

Section 3

The courts and tribunals will continue to observe the laws and regulations particulars governing all matters not regulated by the code.

However, these courts will only be able to pronounce penalties falling within the categories provided for by him and according to the distinctions enacted in his article 5 below.

Section 4

The provisions of this code apply even to matters governed by specific laws and regulations in all that has not been expressly provided for in these laws.

Section 5

The penalties imposed by decisions that have become irrevocable and are being executed on the date of entry into force of this code or which must be suffered after this date of entry into force, will be as follows:

If the sentence imposed is a custodial sentence lasting less than one month, it will be served as detention under the conditions provided for in article 29 of the code;

If the sentence imposed is a custodial sentence for a period of one month to five years or a custodial sentence of more than five years sanctioning a criminal act, because of the state of recidivism of the convicted person, it will be suffered as imprisonment under the conditions provided for in Article 28;

If the sentence imposed is a custodial sentence of more than five years sanctioning a criminal act, it will be served as imprisonment under the conditions provided for in Article 24.

Section 6

In all cases where a conviction for an ancillary or additional penalty has been pronounced, and has not yet been executed or is in the process of being executed, it will be replaced by operation of law by the corresponding security measure: in particular the judicial internment provided for by articles 16 and 21 of the dahir of 15 safar 1373 (24 October 1953) forming the Moroccan penal code, and by the dahir of 5 jounada I 1352 (28 August 1933) relating to the repression of recidivism by the High Court

cherifian, will be replaced by the relegation referred to in articles 63 to 69 of the appended code.

Section 7

The courts duly seized of offenses which, under the terms of the code approved by this dahir, are no longer within their jurisdiction, however, remain competent to judge these offenses if their referral results from an order for dismissal or a summons prior to the date entry into force of this code.

In all other cases, the procedures will be transferred without further formality to the competent court.

However, the applicable penalties will be those in effect at the time the offense was committed unless the attached code has enacted a more lenient penalty which must then be applied.

Section 8

All contrary legal provisions are repealed from the date of application of the appended code, and in particular: the dahir of 9

Ramadan 1331 (August 12, 1913) making it applicable to Morocco the French penal code, as well as the later dahirs having introduced texts which supplemented or modified this code; the Dahir of

16 Safar 1373 (October 24, 1953) forming the Moroccan Penal Code, the Dahir of 16 Rebia II 1373 (December 23, 1953) modifying and supplementing the previous one, as well as all other Dahirs having supplemented or modified them;

the dahir of 6 rejeb 1332 (June 1, 1914) implementing the penal code of the former northern zone of Morocco, as well as all dahirs having supplemented or modified this code;

the dahir of 19 jourmada II 1343 (January 15, 1925) promulgating the "penal code" in the Tangier area, as well as all dahirs having supplemented or modified the latter; the dahir of 6 Moharrem 1362

(January 12, 1943) making applicable the law of July 23, 1942, relating to family abandonment; the dahir of 30 rebia I 1379

(October 3, 1959) repressing family abandonment;

the Khalifian dahir of June 17, 1942 relating to the abandonment of families in the former northern zone of the Kingdom.

The references to the provisions of the texts abrogated by this dahir, contained in legislative or regulatory texts, apply to the corresponding provisions enacted by the appended code.

Section 9

Article 490 of the dahir of 1st chaabane 1378 (February 10, 1959) forming the code of criminal procedure is repealed and replaced by the following provision3 :

"Section 490 . - When it emerges from the proceedings that the accused was at the time of the facts, or is currently suffering from mental disorders, the criminal court applies, as the case may be, articles 76, 78 or 79 of the penal code. "

Done in Rabat, 28 jounada II 1382 (26 November 1962).

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3 - The Code of Criminal Procedure of 1st Chaabane 1378 (January 10, 1959) was repealed by Article 756 of Law No. 22-01 relating to criminal procedure promulgated by Dahir No. 1-02-255 of 25 reject 1423 (October 3, 2002). This text, published only in Arabic, in the general edition of the Official Bulletin n° 5078 of 27 kaada 1423 (January 30, 2003), p. 315, entered into force on October 1 , 2003. See paragraph 3 of article 389 of the said law.

PENAL CODE

PRELIMINARY PROVISIONS

(Items 1 to 12)

First article

The penal law determines and constitutes as offenses the acts of man which, by reason of the social disorder which they cause, justify the application to their author of penalties or security measures.

Section 2

No one can invoke ignorance of the penal law as his excuse.

Section 3

No one may be condemned for an act which is not expressly provided for as an offense by law, nor punished with penalties which the law has not enacted.

Section 4

No one may be condemned for an act which, according to the law in force at the time it was committed, did not constitute an offence.

Section 5

No one may be condemned for an act which, by the effect of a law subsequent to its commission, no longer constitutes an offence; if a conviction has been pronounced, the execution of both principal and accessory penalties is terminated.

Section 6

When several laws were in force between the moment when the offense was committed and the final judgment, the law, whose provisions are the least rigorous, must be applied.

Section 7

The provisions of articles 5 and 6 above do not concern temporary laws. These, even after they have ceased to be in

force, continue to govern offenses committed during the term of their application.

Section 8

No security measure may be pronounced except in the cases and under the conditions provided for by law.

The applicable security measures are those enacted by law in force at the time of judgment of the offence.

Section 9

The execution of a security measure ceases when the fact that gave rise to it no longer constitutes an offense by the effect of a subsequent law or when this security measure is itself abolished by law.

Section 10

Are subject to Moroccan criminal law, all those who, nationals, foreigners or stateless persons, are on the territory of the Kingdom, except for the exceptions established by internal public law or international law.

Section 11

Are considered as part of the territory, Moroccan ships or aircraft regardless of where they are, unless they are subject, under international law, to a foreign law.

Section 12

Moroccan criminal law applies to offenses committed outside the Kingdom when they fall within the jurisdiction of Moroccan criminal courts by virtue of the provisions of articles 751 to 756 of the code of criminal procedure⁴.

4 - Articles 707 to 712 of Law No. 22.01 relating to the aforementioned criminal procedure.

BOOK ONE OF PENALTIES AND MEASURES OF SAFETY

(Items 13 to 109)

Section 13

The penalties and security measures enacted in this code are applicable to adults over eighteen Gregorian years of age.

Are applicable to juvenile offenders the special rules provided for in Book III of the law on criminal procedure⁵.

TITLE ONE PENALTIES

(Items 14 to 60)

Section 14

The penalties are principal or accessory.

They are principal when they can be pronounced without being added to any other penalty.

They are incidental when they cannot be inflicted separately or that they are the consequences of a main penalty.

5 - Article amended by Article 1 of Law No. 24.03 amending and supplementing the Penal Code, promulgated by Dahir No. 1-03-207 of 16 Ramadan 1424 (November 11, 2003), Official Bulletin No. 5178 of 22 kaada 1424 (January 15, 2004), p. 114.

CHAPTER ONE OF THE PRINCIPAL PENALTIES

(Items 15 to 35)

Section 15

The main penalties are: criminal, misdemeanor or fine.

Section 16

The main criminal penalties are:

1° Death;

2° Life imprisonment; 3°

Time imprisonment for a period of five to thirty years; 4°

Forced residence;

5° Civic degradation.

Section 17

The main criminal penalties are: 1 -

Imprisonment; 2 - The

fine of more than 1,200 dirhams⁶.

The term of imprisonment is at least one month and at most five years, except in cases of recidivism or other cases where the law determines other limits.

Section 18

The main fines are:

1 - Detention of less than one month;

2 - The fine of 30 dirhams to 1,200 dirhams⁷.

6 - Paragraph amended by Article 1 of Law No. 3-80 amending certain provisions of the Penal Code promulgated by Dahir No. 1-81-283 of 11 Rejeb 1402 (May 6, 1982), Official Bulletin No. 3636 of 15 Ramadan 1402 (July 7, 1982), p.351, then by Law No. 25-93 amending the penal code promulgated by Dahir No. 1-94-284 of Safar 15, 1415 (July 25, 1994), Official Bulletin No. ° 4266 of 24 safar 1415 (August 3, 1994), p. 371.

7 - Paragraph modified by the first article of law n° 3-80 modifying certain provisions of the penal code, then by the single article of law n° 25-93 modifying the aforementioned penal code.

Articles 19 to 238**Section 24**

The penalty of imprisonment is carried out in a central house with nocturnal isolation whenever the layout of the premises allows it and with compulsory work, except in the case of noted physical incapacity.

Under no circumstances may a person sentenced to imprisonment be admitted to outside work before having served ten years of his sentence if he has been sentenced to life or a quarter of the sentence imposed if he has been sentenced on time⁹.

Rule 25

Forced residence consists in the assignment to the condemned person of a place of residence or a determined perimeter, from which he cannot move away without authorization during the period fixed by the decision. This duration cannot be less than five years, when it is pronounced as the main sentence.

The decision to condemn to forced residence is notified to the General Directorate of National Security, which must carry out the control of this residence.

If necessary, a temporary authorization to travel to inside the territory can be issued by the Minister of Justice.

Rule 26

Civic degradation consists of:

1° In the dismissal and exclusion of condemned persons from all public functions and all public employments or offices; 2° In the deprivation of the right to be elector or eligible and, in general, of all civic and political rights and of the right to wear any decoration;

8 - Articles 19 to 23 of the Criminal Code have been repealed by Article 756 of Law No. 22-01 relating to the aforementioned criminal procedure. Their provisions have been inserted in Articles 601 to 607 of Law No. 22-01 relating to the aforementioned criminal procedure.

9 - See Law No. 23-98 relating to the organization and operation of penitentiary establishments promulgated by Dahir No. 1-99-200 of Jounada I 13, 1420 (August 25, 1999), Official Bulletin No. 4726 of 5 Jumada II 1420 (September 16, 1999), p 715.

3° Incapacity to be an assessor-juror, expert, to serve as a witness in all acts and to testify in court other than to give simple information;

4° Incapacitated to be guardian or subrogated guardian, except of his own children; 5°

In the deprivation of the right to bear arms, to serve in the army, to teach, to direct a school or to be employed in an educational establishment as a teacher, master or supervisor.

Civic degradation, when it constitutes a principal penalty, is, unless otherwise provided, pronounced for a period of two to ten years.

Rule 27

Whenever civic degradation is pronounced as the main penalty, it may be accompanied by imprisonment, the duration of which must be fixed by the decision of conviction without ever being able to exceed five years.

When civic degradation cannot be inflicted because the culprit is a Moroccan who has already lost his civic rights, or a foreigner, the applicable penalty is five to ten years' imprisonment.

Section 28

The penalty of imprisonment is executed in one of the establishments intended for this or in a special district of a central house, with compulsory work inside or outside, except in the case of physical incapacity noted. .

Rule 29

The penalty of detention is carried out in civil prisons or in their annexes, with compulsory work inside or outside, except in the case of physical incapacity noted.

Rule 30

The duration of any custodial sentence is calculated from the day the convicted person is detained by virtue of the decision which has become irrevocable.

When there has been preventive detention, this is fully deducted from the length of the sentence and is calculated from the day on which the

sentenced has been either kept in custody or placed under judicial order for the offense which led to the conviction.

The length of custodial sentences is calculated as follows: When the sentence pronounced is one day, its duration is 24 hours; When it is less than one month, it is counted in full 24-hour days; When the sentence imposed is one month, its duration is thirty days; The penalty of more than one month is calculated from date to date.

Section 31

When several custodial sentences are to be served, the convict executes the most serious sentence first, unless the law provides otherwise.

Section 32

If it is verified that a woman serving a custodial sentence is more than six months pregnant, she will not serve her sentence until forty days after her release. If she is already imprisoned, she will benefit, for the necessary time, from the preventive detention regime.

The execution of custodial sentences is deferred for women who gave birth less than forty days before their conviction.

Section 33

A husband and wife sentenced, even for different offences, to a term of imprisonment of less than one year and not detained on the day of judgment, do not serve their sentence simultaneously, if, proving a certain domicile, they have in their care and under their protection, a child under the age of eighteen who cannot be taken in under satisfactory conditions by any public or private person, unless they request otherwise.

When the sentence of imprisonment pronounced against each of the spouses exceeds one year, and if they have in their care or under their protection a child under the age of eighteen or if the child cannot be taken in by members of his family or by a public person or

private, under satisfactory conditions, the provisions of the law relating to criminal procedure on the protection of children in difficult circumstances¹⁰, or the provisions of the kafala of abandoned children¹¹ when the relevant , conditions are met, are then applicable¹² .

Section 34

When there has been preventive detention and only a fine is imposed, the judge may, by specially reasoned decision, exempt the convicted person from all or part of this fine.

Section 35

The fine consists in the obligation, for the convicted person, to pay for the benefit of the Treasury, a determined sum of money, counted in currency having legal tender in the Kingdom.

10 - See the provisions on the protection of children in difficult circumstances provided for in Articles 512 to 517 of Law 22.01 relating to the aforementioned criminal procedure.

11 - Article 1 of Law No. 15-01 relating to the care (kafala) of abandoned children promulgated by Dahir No. 1-02-172 of 1st Rabii II 1423 (June 13, 2002), Bulletin Official n° 5036 of 25 jounada 1423 (5 September 2002), p. 914, provides that "Is considered an abandoned child any child of either sex who has not reached the age of 18 completed Gregorian years when he is in one of the following situations: - be born of unknown parents or of an unknown father and a known mother who abandoned him of her own free will; - be an orphan or have parents who are unable to support themselves or who do not have legal means of subsistence; - having badly behaved parents who do not assume their responsibility for protection and guidance in order to lead him in the right way, as when they are deprived of legal guardianship or when one of the two, after the death or incapacity of the other, turns out to be misguided and fails to fulfill his aforementioned duty towards the child. »

Article 2 of the same law stipulates that: "The care (kafala) of an abandoned child, within the meaning of this law, is the commitment to take charge of the protection, education and maintenance of an abandoned child in the same way as a father would for his child. The kafala does not give any right to filiation or inheritance. »

12 - Article modified and supplemented by article 3 of law n° 24-03 modifying and supplementing the aforementioned penal code.

CHAPTER II ACCESSORY PENALTIES

(Items 36 to 48)

Section 36

The accessory penalties are:

1° Legal prohibition; 2°

Civic degradation; 3°

Suspension of the exercise of certain civic, civil or family rights;

4° The loss or suspension of the right to pensions paid by the State and public establishments.

However, this loss cannot apply to persons responsible for the maintenance of one or more children, subject to the provisions provided for in this respect by pension schemes¹³.

5° Partial confiscation of property belonging to the convicted person, independently of the confiscation provided for as a security measure by article 89;

6° The dissolution of a legal person; 7°

Publication of the sentencing decision.

Section 37

The legal prohibition and civic degradation when it is incidental, attach only to criminal penalties.

They do not have to be pronounced and apply as of right.

Section 38

The legal prohibition deprives the convict of the exercise of his rights assets during the execution of the main sentence.

However, he always has the right to choose an agent to represent him in the exercise of his rights, under the control of the guardian designated in accordance with the prescriptions of the article below.

13 - Article supplemented by article 2 of the aforementioned law n° 24-03.

Section 39

In the forms provided for judicial prohibitions¹⁴, a guardian is appointed to oversee the management of the property of the legally prohibited convict. If the latter has chosen a mandatary to administer his property, the latter will remain under the control of the tutor and will be responsible to him. Otherwise, the guardian will personally take care of this administration.

During the term of the sentence, no amount from his income may be remitted under legal prohibition, except for maintenance and within the limits authorized by the prison administration.

The goods of the interdict are returned to him at the end of his sentence and the guardian reports to him on his administration.

Section 40

When pronouncing a criminal sentence, the courts may, in cases determined by law and for a period of one to ten years, prohibit the convicted person from exercising one or more of the civic, civil or family rights. referred to in Article 26.

The courts may also apply the provisions of the first paragraph of this article when imposing a criminal penalty for a terrorism offence¹⁵ .

Section 41

The final loss of the pension paid by the State attaches to any death sentence or a sentence of life imprisonment. It does not have to be pronounced and applies automatically.

Any conviction for a criminal penalty other than those provided for in the preceding paragraph may be accompanied by the suspension of the right to pension for the duration of the execution of the penalty.

14 - See Book IV relating to capacity and legal representation, in particular Title II relating to legal representation (Articles 229 and following) of Law No. 70-03 on the family code promulgated by Dahir No. 1 -04-22 of 12 hija 1424 (3 February 2004), Official Bulletin n° 5358 of 2 Ramadan 1426 (6 October 2005), p. 667.

15 - Article supplemented by Article 2 of Title I of Law No. 03-03 on the fight against terrorism promulgated by Dahir No. 1-03-140 of 26 Rabii I 1424 (May 28, 2003), Bulletin Official n° 5114 of 4 rabii II 1424 (June 5, 2003), p. 416.

Section 42

Confiscation consists in the attribution to the State of a fraction of the property of the convict or some of his specially designated property.

Section 43

In the event of a conviction for an act qualified as a crime, the judge may order the confiscation, for the benefit of the State, subject to the rights of third parties, of the objects and things which were used or were to be used in the offence, or which are its products, as well as gifts or other advantages which were used or were intended to be used to reward the perpetrator of the offence.

Section 44

In the event of conviction for acts qualified as misdemeanors or offences, the judge may only order confiscation in the cases expressly provided for by law.

Rule 44-116

In the case of an act constituting a terrorism offence, the court may pronounce the confiscation provided for in article 42 of this code.

Confiscation must always be pronounced, in the cases provided for in articles 43 and 44 of this code, subject to the rights of third parties, in the event of conviction for a terrorism offence.

Rule 45

Except for the exceptions provided for in this code, confiscation does not relate only to property belonging to the convicted person.

If the convict is co-owner of undivided property, the confiscation does not relate only to his share and entails, as of right, sharing or bidding.

Rule 46

The alienation of confiscated property is prosecuted by the administration of the domains in the forms prescribed for the sale of State property.

16 - Article added by article 3 of law n° 03-03 relating to the aforementioned fight against terrorism.

The assets devolved to the State by the effect of the confiscation remain encumbered, up to their value, with the legitimate debts prior to the conviction.

Rule 47

The dissolution of a legal person consists in the prohibition to continue the social activity, even under another name and with other directors, administrators or managers. It entails the liquidation of the assets of the legal person.

It can only be pronounced in the cases provided for by law and in pursuant to an express provision of the sentencing decision.

Rule 48

In the cases determined by law, the trial court may order that its sentencing decision be published in full or in extracts in one or more newspapers that it designates or will be posted in the places it indicates, all at the expense of the condemned, without however that the expenses of publication can exceed the sum fixed for this purpose by the decision of condemnation, nor that the duration of the posting can exceed one month.

CHAPTER III CAUSES OF EXTINCTION, EXEMPTION OR SUSPENSION OF PENALTIES

(Items 49 to 60)

Section 49

Any convict must fully suffer the sentences pronounced against him, unless one of the following causes of extinction, exemption or suspension occurs:

1° The death of the condemned person;

2° Amnesty;

3° The repeal of the penal law; 4°

Grace; 5°

Prescription;

- 6° The suspension of the execution of the sentence;
- 7° Conditional release;
- 8° The transaction when the law expressly provides for it.

Section 50

The death of the condemned does not prevent the execution of pecuniary judgments on the property from his estate.

Section 51

Amnesty can only result from an express provision of the law.

This determines the effects, subject however to the rights of third parties.

Section 52

Apart from the case provided for in article 7 for the application of temporary laws, the repeal of the penal law obstructs the execution of the penalty not yet suffered and puts an end to the execution in progress.

Section 53

The right of pardon is an attribute of the Sovereign.

It is exercised under the conditions set by Dahir No. 1-57-387 of 16 Rejeb 1377 (February 6, 1958) relating to pardons¹⁷.

In matters of misdemeanors and offences, when an appeal for pardon is made in favor of a convicted prisoner, the release of this convicted person may, exceptionally, be ordered by the Minister of Justice until he has been decided on the request for pardon.

Section 54

The prescription of the penalty removes the convicted person from the effects of the sentence under the conditions provided for in articles 688 to 693 of the code of criminal procedure¹⁸.

17- Official Bulletin n° 2365 of February 21, 1958, p. 359.

18 - Articles 648 to 653 of Law No. 22.01 relating to the aforementioned criminal procedure.

Section 55

In the event of a sentence of imprisonment or a non-contraventional fine, if the accused has not suffered a prior sentence of imprisonment for a crime or misdemeanor under common law, the trial court may, by a reasoned provision of his decision, order that the execution of the sentence be suspended.

Section 56

The conviction will be deemed void if, for a period of five years from the day on which the judgment or order granting the stay has become irrevocable, the convicted person does not commit any crime or common law offense which gives rise to a conviction. imprisonment or a more serious penalty.

If, on the contrary, he commits such a crime or misdemeanor within the period of five years provided for in the preceding paragraph, the sentence to imprisonment or to a more serious penalty sanctioning this crime or misdemeanor, even if it only occurs after the expiry of the said period, entails automatically, as soon as it has become irrevocable, the revocation of the stay.

The first penalty is then carried out before the second without the possibility of confusion with the latter.

Section 57

The stay granted has no effect on the payment of trial costs and civil reparations. It does not extend to accessory penalties or to incapacities resulting from the conviction.

However, these accessory penalties and these incapacities cease automatically on the day when, by application of the provisions of the first paragraph of the preceding article, the conviction is deemed void.

Section 58

When the convicted person is present at the hearing, the president of the court must, immediately after the delivery of the decision granting the stay, warn him that in the event of a new conviction under the conditions provided for in Article 56, he must carry out the sentence without possible confusion with that subsequently imposed and that he will possibly incur the aggravated penalties for recidivism.

Section 59

Conditional release entitles the convict, because of his good behavior in the penitentiary establishment, to early release, on condition that he behave honestly in the future and on the condition that he will be reincarcerated for suffer the complement of his sentence in the event of bad behavior duly established or of non-observance of the conditions fixed by the decision of release on parole.

It is governed by the provisions of Articles 663 to 672 of the Code of Criminal Procedure¹⁹.

Section 60

Rehabilitation is not a cause of extinction, exemption or suspension of the sentence; it erases only for the future and under the conditions provided for in Articles 730 to 747 of the Code of Criminal Procedure²⁰, the effects of the conviction and the resulting incapacities.

TITLE II SAFETY MEASURES

(Articles 61 to 104)

CHAPTER I VARIOUS SECURITY MEASURES PERSONAL OR REAL

(Articles 61 to 92)

Section 61

The personal security measures are: 1°

Relegation; 2°

The obligation to reside in a specific place; 3°

Prohibition of residence; 4°

Judicial confinement in a psychiatric establishment; 5° Judicial placement in a therapeutic establishment;

19 - Articles 622 to 632 of Law No. 22.01 relating to the aforementioned criminal procedure.

20 - Articles 687 to 703 of Law No. 22.01 relating to the aforementioned criminal procedure.

6° Judicial placement in an agricultural colony; 7°

Incapacity to perform any public function or employment; 8° The prohibition to practice any profession, activity or art, whether or not subject to administrative authorisation;

9° Forfeiture of the rights of paternal power.

Section 62

The actual security measures are:

1° The confiscation of objects related to the offense or objects that are harmful or dangerous, or whose possession is unlawful;

2° The closure of the establishment which was used to commit an offence.

Section 63

Relegation consists of the internment in a work establishment, under an appropriate system of social rehabilitation, of repeat offenders who fall under the conditions listed in Articles 65 and 66 below.

Section 64

Relegation can only be pronounced by the courts and tribunals ordinary to the exclusion of all special or exceptional jurisdictions.

The judgment or ruling fixes the duration of relegation, which may not be less than five years, nor be more than ten years, from the day on which the execution of the sentence ceases.

When certain signs of social rehabilitation have been observed, the convicted person may be conditionally released according to the procedures laid down in articles 663 and following of the code of criminal procedure²¹.

Section 65

Should be relegated to repeat offenders who, in an interval of ten years, not including the length of the sentence actually suffered, have incurred two sentences of imprisonment.

21 - Articles 622 and following of Law No. 22.01 relating to the aforementioned criminal procedure.

However, repeat offenders who are female or under the age of twenty or over sixty may be, by reasoned decision, exonerated from relegation.

Section 66

May be relegated, repeat offenders who, in an interval of ten years, not including the duration of the sentences actually suffered, have, in any order whatsoever, incurred:

1° Three convictions, one of which to imprisonment and the other two to imprisonment for acts qualified as crimes or to imprisonment for more than six months for theft, fraud, breach of trust, concealment of things obtained aiding a crime or misdemeanor, indecent exposure, incitement of minors to debauchery, hiring for debauchery, exploitation of the prostitution of others, abortion, drug trafficking; 2° Four sentences of imprisonment for acts qualified as crimes or imprisonment for more than six months for the offenses specified in the preceding number;

3° Seven convictions, two of which at least provided for in the two preceding numbers, the others to imprisonment for more than three months for a crime or offence.

Section 67

Any relegated person who has, within ten years of his release, committed a crime or misdemeanor specified under number one of the preceding article and for which he has been sentenced to a penalty exceeding one year's imprisonment is, at the expiration of the latter, relegated again for a period which may not be less than ten years.

Section 68

When a prosecution before a repressive court is likely to lead to relegation, it is prohibited, pursuant to Article 76 - last paragraph - of the Code of Criminal Procedure²², to resort to the procedure of flagrante delicto.

22 - Article 74 of Law No. 22.01 relating to the aforementioned criminal procedure replaces Article 76 of the former code of criminal procedure, knowing that the last paragraph of the aforementioned Article 76, which prohibited the application of flagrante proceedings in cases pronouncing relegation,

The provisions of Article 311 of the Code of Criminal Procedure²³ make the assistance of a defense lawyer compulsory.

Section 69

It is up to the court that pronounces the main sentence making the convicted person liable to relegation, to rule on this measure.

The relegation is pronounced by the same decision as the main sentence; this decision must expressly refer to the previous convictions which make it applicable.

Section 70

Any court that pronounces a conviction for endangering the security of the State may, if the facts reveal on the part of the condemned person habitual activities dangerous to social order, assign to this condemned person a place of residence or a determined perimeter, of which he may not leave without authorization for the period fixed by the decision, without this period being able to exceed five years. The residence requirement takes effect from the day of the expiration of the main sentence.

When the act committed constitutes a terrorism offence, the court may assign the convicted person a place of residence as provided for in the first paragraph above from which he may not leave without authorization for the period fixed in the judgment without however exceeding ten years²⁴.

The decision to assign residence is notified to the General Directorate of National Security, which must check the assigned residence and may issue, if necessary, temporary authorizations to travel within the territory.

was previously repealed by the dahir of December 30, 1993, that is to say before the adoption of the new law on criminal procedure.

23 - Article 316 of Law No. 22.01 relating to the aforementioned criminal procedure.

24 - Paragraph added by article 2 of Title I of law n° 03-03 relating to the aforementioned fight against terrorism.

Section 71

The prohibition of stay consists in the prohibition made to the convict to appear in certain determined places and for a determined duration, when due to the nature of the act committed, the personality of its author, or other circumstances, the court considers that the stay of this convict in the aforementioned places constitutes a danger to public order or the safety of persons.

Section 72

A stay ban can always be ordered in the event of conviction pronounced for an act qualified as a crime by law.

It may be ordered in the event of a prison sentence for an offence, but only when it is specifically provided for by the text punishing this offence.

It never applies automatically and must be expressly pronounced by the decision fixing the main penalty.

However, the residence ban can still be imposed when the court imposes a prison sentence for a terrorism offence²⁵.

Section 73

A ban on residence may be pronounced for a period of five to twenty years for those sentenced to imprisonment and for a period of two to ten years for those sentenced to imprisonment.

The effects and duration of this prohibition only begin on the day of the prisoner's release and after the order prohibiting him from staying has been notified to him.

Section 74

The residence ban order is drawn up by the Director General of National Security. It contains the list of places or areas prohibited to the convicted person; this list includes the places or perimeters prohibited in general and, where applicable, those specially prohibited by the judicial decision of condemnation.

25 - Ibid.

The Director General of National Security is competent to ensure compliance with residence bans and, if necessary, to issue interested parties with temporary residence permits in places which are prohibited to them.

Section 75

Judicial confinement in a psychiatric establishment consists in the placement in an appropriate establishment, by decision of a trial court, of an individual presumed to be the author, co-author or accomplice of a crime or misdemeanor who, because of the disorders of his mental faculties existing at the time of the facts which are imputed to him, and noted by a medical expertise, must be declared totally irresponsible and is thus withdrawn from the possible application of the penalties provided for by law.

Section 76

When a trial court considers, after medical expertise, that the individual referred to it on the charge of a crime or the prevention of a misdemeanor was totally irresponsible because of mental disorders existing at the time of the acts attributed to him, it must :

- 1° To find that the accused or the defendant was at the time of the facts unable to understand or to want, as a result of disorders of his mental faculties;
- 2° Declare him totally irresponsible and pronounce his absolution;
- 3° Order, if the disorders persist, his confinement in a psychiatric establishment.

The validity of the title of detention is prolonged until the effective internment.

Section 77

Judicial confinement is prolonged as long as public security and the cure of the internee require.

The internee must initially be put under observation. It must be examined whenever the psychiatrist requires it, and in any case every six months.

When the attending psychiatrist considers it necessary to put an end to the judicial detention, he must inform the head of the general public prosecutor's office of this.

the court of appeal which may, within ten days of receipt of this notice, appeal against the decision to leave, under the conditions set by article 28 of the dahir of 21 chaoual 1378 relating to the prevention and treatment of mental illnesses and the protection of the mentally ill²⁶. This appeal is suspensive.

Section 78

When a trial court considers, after medical expertise, that the perpetrator of a crime or misdemeanor, although able to ensure his defense during the proceedings, was nevertheless injured during the facts with which he is imputed to a weakening of his mental faculties leading to a partial reduction of his responsibility, he must:

1° Find that the facts prosecuted are attributable to the accused or the defendant;

2° To declare him partially irresponsible because of the impairment of his mental faculties at the time of the events;

to pronounce

sentence; 3° 4° Order, if necessary, that the convicted person be hospitalized in a psychiatric establishment, prior to the execution of any custodial sentence. Hospitalization is deducted from the duration of this sentence, and ends under the conditions provided for in the last paragraph of Article 77.

Section 79

When a trial court considers, after medical expertise, that the individual referred to it on the charge of a crime or the prevention of a misdemeanor was wholly or partly responsible at the time of the facts imputed to him, but that due to disorders of his mental faculties occurring or aggravated subsequently, he is unable to ensure his defense during the proceedings, he must:

1° To find that the accused or the defendant is unable to defend, in consequence of the present alteration of his mental faculties;

2° Stay of proceedings;

26 - Dahir No. 1-58-295 of Chaoual 21, 1378 (April 30, 1959) relating to the prevention and treatment of mental illnesses and the protection of the mentally ill, Official Bulletin No. 2429 of May 15, 1959, p 804

3° Order his hospitalization in a psychiatric establishment.

The validity of the title of detention is prolonged until the effective internment.

The attending psychiatrist must inform the head of the general prosecutor's office of the decision to leave, at least ten days before it is executed. The title of detention which was in force at the time of the hospitalization will resume effect and the proceedings will be resumed at the behest of the public prosecutor. In the event of a custodial sentence, the trial court will have the option of imputing the duration of the hospitalization to that of this sentence.

Section 80

Judicial placement in a therapeutic establishment consists in the placing under surveillance in an appropriate establishment, by decision of a trial court, of an individual, perpetrator, co-perpetrator or accomplice either of a crime, or of a misdemeanor or police officer, suffering from chronic intoxication caused by alcohol or narcotics, when the criminality of the author of the offense appears to be linked to this intoxication.

Section 81

When a trial court considers it necessary to apply the provisions of the preceding article, it must:

1° Declare that the act prosecuted is attributable to the accused or the accused;
2° To

expressly state that the criminality of the author of the offense appears to be linked to chronic intoxication caused by alcohol or narcotics; 3° to pronounce the sentence; 4° Order,

in addition, judicial

placement in an establishment
therapy for a period not exceeding two years.

The convicted person will be subject to the placement measure, prior to the execution of the sentence, unless the court decides otherwise.

Section 82

The measure of judicial placement in a therapeutic establishment is revoked when it is found that the causes which had provoked it have disappeared.

When the head doctor of the therapeutic establishment considers it necessary to put an end to this measure, he informs the head of the general prosecutor's office of the court of appeal who, within ten days of receipt of this opinion, may appeal against the decision, under the conditions laid down in Article 77.

Section 83

Judicial placement in an agricultural colony consists of the obligation imposed by the decision of the trial court, on a person convicted of a crime or for any offense legally punishable by imprisonment, to stay in a specialized center where he will be employed on work agricultural, when the criminality of this convict appears to be linked to habits of idleness, or when it has been established that he usually derives his resources from illegal activities.

Section 84

When a trial court considers it necessary to apply the provisions of the preceding article, it must:

1° Declare that the act prosecuted is attributable to the accused or the accused;

2° Expressly establish that this fact is linked to the habits of idleness of the convicted person or that it is established that the latter habitually draws his resources from illegal activities;

3° To pronounce

sentence; 4° Order, in addition, judicial placement in an agricultural colony for a period which may not be less than six months, nor more than two years.

The stay in the agricultural colony immediately follows the execution of the sentence.

Section 85

The judicial placement measure provided for in article 83 is revoked when the conduct of the condemned person presumes his amendment.

The decision to dismiss is taken, on the proposal of the director of the agricultural colony, by the trial court which had ordered it.

When the placement has been ordered by a criminal court, the correctional court which was called upon to constitute this criminal court is competent to pronounce the revocation.

Section 86

The incapacity to perform any public function or employment must be pronounced by the court in the cases enacted by law and when it concerns an offense constituting an act of terrorism²⁷.

Apart from these cases, it may be, when the court finds and declares, by an express provision of the decision, that the offense committed has a direct relationship with the exercise of the function or employment and that it reveals in its author a moral perversity incompatible with the normal exercise of the function or employment.

Unless the law provides otherwise, this incapacity is pronounced for a period which may not exceed ten years, counting from the day on which the penalty was served.

Section 87

The prohibition to exercise a profession, activity or art, must be pronounced against those convicted of a crime or misdemeanor, when the court finds that the offense committed has a direct relationship with the exercise of the profession, activity or art, and that there are serious fears that by continuing to exercise them, the convicted person will be a danger to public safety, health, morals or savings.

This prohibition is pronounced for a period which may not exceed ten years, counting from the day on which the penalty was served, except in cases where the law provides otherwise.

The provisional execution of this measure may be ordered by the condemnation decision, notwithstanding the exercise of all ordinary or extraordinary remedies.

27 - Article supplemented by article 2 of Title I of law n° 03-03 relating to the aforementioned fight against terrorism.

Section 88

When a trial court pronounces against an ascendant, a conviction for a crime or for an offense legally punishable by imprisonment committed on the person of one of his minor children and that it finds and declares by express provision of its decision that the behavior habit of the condemned puts his minor children in physical or moral danger, it must pronounce the forfeiture of paternal power.

This forfeiture may relate to all or part of the rights of paternal power and be pronounced only with regard to one or a few of the children.

The provisional execution of this measure may be ordered by the condemnation decision, notwithstanding the exercise of all ordinary or extraordinary remedies.

Section 89

Is ordered, as a security measure, the confiscation of objects and things whose manufacture, use, port, possession or sale constitute an offence, even if they belong to a third party and even if no conviction is pronounced.

Section 90

The closure of a commercial or industrial establishment may be ordered, permanently or temporarily, when it has been used to commit an offense involving abuse of the authorization or license obtained or non-compliance with administrative regulations.

The closure, in the cases provided for by law, of a commercial or industrial establishment, or of any other establishment, entails the prohibition to exercise the same profession or the same activity on the same premises, either by the convicted person or by a member of his family, or by a third party to whom the convicted person would have sold, assigned or leased it, or by the legal person or organization to which he belonged at the time of the offense or on whose behalf he was working .

When the closure of the premises is pronounced on a temporary basis, it cannot, unless otherwise provided, be less than ten days or be more than six months.

Section 91

When several security measures that cannot be enforced simultaneously have been pronounced with regard to the same person, it is up to the court last seized to determine their order of execution.

However, the measures of judicial internment in a psychiatric establishment or judicial placement in a therapeutic establishment are always carried out first.

Section 92

If, during the execution of a measure depriving or restricting liberty, the person subject to this measure is sentenced for another crime or misdemeanor to a custodial sentence, the execution of the security measure other than the judicial placement in a therapeutic establishment is suspended, and the new sentence suffered.

CHAPTER II CAUSES OF EXTINCTION, EXEMPTION OR SUSPENSION OF THE MEASURES OF SAFETY

(Items 93 to 104)

Section 93

Subject to the provisions of Articles 103 and 104, the causes for termination, exemption or suspension of security measures are:

1° The death of the condemned person;

2° Amnesty;

3° The repeal of the penal law; 4°

Grace; 5°

Prescription; 6°

Conditional release;

7° Rehabilitation;

8° The transaction, when the law expressly provides for it.

The suspension of the execution of the sentence has no effect on the measures of safety.

Section 94

The death of the condemned person does not prevent the execution of real security measures.

Section 95

The law providing amnesty for the principal offense or penalty, unless it decides otherwise by an express provision, stops the execution of the personal security measures and remains without effect on the real security measures.

Section 96

The repeal of criminal law puts an end to the execution of security measures under the conditions provided for in Article 9.

Section 97

The remission by way of clemency of the principal penalty extends to security measures only if it is so expressly decided by the decision which grants it.

Section 98

The prescription of the main penalty does not entail the prescription of security measures.

Section 99

A security measure that remains unexecuted is prescribed by a period of five years from either the expiry of the custodial sentence actually suffered, or payment of the fine, or the day on which the prescription of the sentence is acquired. .

However, when the security measure had been ordered for a period of more than five years, the prescription is acquired only at the expiry of an equal period.

Item 100

The provisions of articles 98 and 99 are only applicable to the ban on residence subject to the rules enacted by article 689 of the code of criminal procedure and 73, paragraph 2 of this code²⁸ .

28 - Article 649 of Law No. 22.01 relating to the aforementioned criminal procedure.

Section 101

The decision pronouncing conditional release may suspend execution of security measures.

Section 102

Rehabilitation of the convicted person under the conditions provided for in Articles 730 to 747 of the Code of Criminal Procedure²⁹ puts an end to the execution of security measures.

Section 103

The causes of termination, exemption or suspension of security measures, other than death, do not apply to judicial confinement in a psychiatric establishment and to judicial placement in a therapeutic establishment.

These two security measures come to an end under the conditions set out in Articles 78 and 82.

Section 104

Forfeiture of the rights of paternal power obeys the rules of termination, exemption or suspension specific to it.

TITLE III OTHER SENTENCES WHICH CAN BE PRONOUNCED

(Items 105 to 109)

Section 105

Any judgment or judgment pronouncing a sentence or a security measure must rule on the costs and expenses of the trial, under the conditions provided for in Articles 347 and 349 of the Code of Criminal Procedure³⁰.

It also decides, if necessary, on restitutions and the awarding of damages.

29 - Articles 687 to 703 of Law No. 22.01 relating to the aforementioned criminal procedure.

30 - Articles 365 to 367 of Law No. 22.01 relating to the aforementioned criminal procedure.

Section 106

Restitution consists in the delivery to their legitimate owner of objects, sums, movable effects, placed in the hands of justice during the prosecution of an offence.

This restitution may be ordered by the court, even if the owner does not intervene in the proceedings.

Section 107

At the request of the victim of the offence, the court may, in addition, by a specially reasoned provision, order the restitution of: 1° Sums from the sale

of objects or movable effects which should have been returned in kind; 2° Subject to the rights of third parties,

objects or movable effects obtained by means of the proceeds of the offence.

Section 108

The awarding of damages must ensure that the victim is fully compensated for the personal, actual and certain prejudice which was directly caused to him by the offence.

Section 109

All individuals sentenced for the same crime, the same misdemeanor or the same infraction are, unless the judge decides otherwise, jointly and severally liable for fines, refunds, damages and costs.

BOOK II OF THE APPLICATION TO THE AUTHOR OF THE INFRINGEMENT OF PENALTIES AND MEASURES OF SAFETY

(Items 110 to 162)

TITLE ONE OF THE OFFENSE

(Items 110 to 125)

Section 110

An offense is an act or abstention contrary to criminal law and punishable by it.

CHAPTER ONE OF THE VARIOUS CATEGORIES OFFENSES

(Items 111 to 113)

Section 111

Offenses are qualified as felony, misdemeanor, police offense or contravention:

The offense punishable by law with one of the penalties provided for in article 16 is a crime;

The offense which the law punishes with a term of imprisonment which it sets the maximum at more than two years is a misdemeanor;

The offense that the law punishes with a prison sentence, the maximum of which it fixes at two years or less than two years, or with a fine of more than 200 dirhams³¹ is a police offence; The offense that the law

punishes with one of the penalties provided for in article 18 is a contravention.

31 - The minimum criminal fines have been raised to 200 dirhams by article 2 of the aforementioned law n° 3-80.

Section 112

The category of the offense is not modified when, following a cause for attenuation of the penalty or because of the state of recidivism of the convicted person, the judge pronounces a penalty relating to another category of offense .

Section 113

The category of the offense is modified when, due to aggravating circumstances, the law enacts a penalty relating to another category of offence.

CHAPTER II ATTEMPT

(Items 114 to 117)

Section 114

Any attempted crime that has been manifested by a commencement of execution or by unequivocal acts tending directly to commit it, if it has not been suspended or if it has failed in its effect only by circumstances beyond the control of its author, is assimilated to the committed crime and repressed as such.

Section 115

Attempted misdemeanor is punishable only under a special provision of law.

Section 116

The attempted violation is never punishable.

Section 117

The attempt is punishable even when the desired goal could not be achieved due to a factual circumstance unknown to the author.

CHAPTER III COMPETITION OF OFFENSES

(Items 118 to 123)

Section 118

A single fact capable of several qualifications must be assessed according to the most serious of them.

Section 119

The simultaneous or successive accomplishment of several offenses not separated by an irrevocable condemnation constitutes the concurrence of offences.

Section 120

In the event of a combination of several crimes or misdemeanors referred simultaneously to the same court, a single custodial sentence is pronounced, the duration of which may not exceed the maximum of that laid down by law for the repression of the most serious offence.

When due to a plurality of prosecutions, several custodial sentences have been pronounced, only the strongest sentence is executed.

However, if the penalties imposed are of the same nature, the judge may, by reasoned decision, order their accumulation in whole or in part, within the limit of the maximum prescribed by law for the most serious offence.

Section 121

Financial penalties, whether principal or incidental to a custodial sentence, are cumulative, unless the judge decides otherwise by express provision.

Section 122

In the event of a combination of several crimes or misdemeanors, the accessory penalties and the security measures are cumulative, unless the judge decides otherwise by a reasoned provision.

Security measures whose nature does not allow simultaneous execution are executed in the order provided for in Article 91.

Section 123

In matters of contraventions, cumulative penalties are mandatory.

CHAPTER IV SUPPORTING FACTS WHICH REMOVE THE OFFENSE

(Sections 124 and 125)

Section 124

There is no crime, misdemeanor or contravention:

- 1° When the act was ordered by law and ordered by the legitimate authority;
- 2° When the perpetrator was materially forced to commit or was materially unable to avoid the offense by an event arising from an extraneous cause which he could not resist;
- 3° When the offense was ordered by the present need for the self-defense of oneself or of others or of property belonging to oneself or to others, provided that the defense is proportionate to the seriousness of the offense assault.

Section 125

The following are presumed to have been carried out in a case of current necessity of self-defence:

- 1° Homicide committed, injuries caused or blows struck, while repelling, during the night, the climbing or breaking in of fences, walls or entrances to an inhabited house or apartment or their outbuildings;
- 2° The offense committed while defending oneself or others against the author of theft or looting carried out with violence.

TITLE II OF THE OFFENDER:

(Items 126 to 162)

Section 126

The penalties and security measures enacted by this code are applicable to natural persons.

Section 127

Legal persons may only be sentenced to pecuniary penalties and the accessory penalties provided for under numbers 5, 6 and 7 of article 36. They may also be subject to the real security measures of article 62.

**CHAPTER ONE OF THE PARTICIPATION OF
SEVERAL PEOPLE AT THE OFFENSE:**

(Items 128 to 131)

Section 128

Are considered as co-perpetrators, all those who personally took part in the material execution of the offence.

Section 129

Are considered accomplices to an offense qualified as a crime or offense those who, without direct participation in this offence, have:

1° By gifts, promises, threats, abuse of authority or power, machinations or culpable artifices, provoked to this action or given instructions to commit it;

2° Provided weapons, instruments or any other means which will have been used for the action knowing that they were to be used there;

3° With knowledge, aided or assisted the author or authors of the action, in the facts that prepared or facilitated it;

4° With knowledge of their criminal conduct, habitually provided housing, a place of retreat or meetings to one or more criminals carrying out robbery or violence against the security of the State, the public peace, persons or property.

Complicity is never punishable in terms of fines.

Section 130

The accomplice of a crime or misdemeanor is punishable by the penalty for this crime or misdemeanor.

The personal circumstances resulting in aggravation, mitigation or exemption from penalty only have effect with regard to the sole participant to whom they relate.

The objective circumstances, inherent in the offence, which aggravate or diminish the penalty, even if they are not known to all those who participated in this offence, have effect in their charge or in their favour.

Section 131

Whoever determined a person not punishable by reason of a condition or a personal quality, to commit an offence, is liable to the penalties repressing the offense committed by this person.

CHAPTER II CRIMINAL RESPONSIBILITY

(Items 132 to 140)

SECTION I PERSONS RESPONSIBLE

(Sections 132 and 133)

Section 132

Any person of sound mind and capable of discernment is personally responsible:

Offenses she commits;

Crimes or misdemeanors in which she is an accomplice;

Attempted crimes;

Attempts at certain offenses that it carries out under the conditions provided for by law.

This principle is derogated from only when the law provides otherwise.

Section 133

Crimes and misdemeanors are punishable only when they have been committed intentionally.

Offenses committed by recklessness are exceptionally punishable in the cases specially provided for by law.

Contraventions are punishable even when they have been committed recklessly, except in cases where the law expressly requires the intention to harm.

SECTION II MENTAL ALIENATION

(Items 134 to 137)

Section 134

Is not responsible and must be absolved who, at the time of the facts which are imputed to him, was as a result of disorders of his mental faculties in the impossibility of understanding or of wanting.

In matters of crime and misdemeanor, judicial confinement in a psychiatric establishment is ordered under the conditions provided for in Article 76.

As regards contraventions, the absolved individual, if he is a danger to public order, is handed over to the administrative authority.

Section 135

Is partially irresponsible who, at the time he committed the offence, was suffering from an impairment of his mental faculties such as to reduce his understanding or his will and resulting in a partial reduction of his responsibility.

In matters of crime and misdemeanor, the guilty party is subject to the penalties or security measures provided for in article 78.

As regards contravention, it is made application of the sorrow, taking into account the mental state of the contravener.

Section 136

When an investigating court finds that an accused shows manifest signs of insanity, it may, by reasoned decision, order his provisional placement in a psychiatric establishment with a view to his being placed under observation and, if there is place, of his hospitalization under the conditions provided for by Dahir No. I-58-295 of 21 chaoual 1378 (April 30, 1959) relating to the prevention and treatment of mental illnesses and the protection of the mentally ill³².

The head of the public prosecutor's office of the court of appeal must be notified by the treating psychiatrist of the decision to leave, at least ten days before it is executed. He may exercise an appeal against this decision under the conditions set by article 28 of the aforementioned dahir. This appeal will be suspensive.

In the event of resumption of proceedings, and sentence to a custodial sentence, the trial court will have the option of imputing the duration of the hospitalization to that of this sentence.

Section 137

Drunkenness, passion or emotional states or those resulting from the voluntary use of narcotic substances cannot, under any circumstances, exclude or reduce liability.

The culprits can be placed in an institution therapy in accordance with the provisions of Articles 80 and 81.

SECTION III CRIMINAL MINORITY

(Items 138 to 140)

Section 138

A minor under the age of twelve is considered a criminally irresponsible for lack of discernment.

It can only be subject to the provisions of Book III of the law relating to criminal procedure .

32 - see supra note corresponding to article 111.

33 - Article amended by Article 1 of Law No. 24-03 amending and supplementing the aforementioned Penal Code.

Section 139

A twelve-year-old minor who has not reached eighteen years of age is, criminally, considered partially irresponsible due to a lack of discernment.

In the case provided for in the first paragraph of this article, the minor benefits from the excuse of minority, and can only be subject to the provisions of Book III of the law on criminal procedure³⁴.

Section 140

Offenders who have reached the criminal majority of eighteen years of age are deemed to be fully responsible³⁵ ³⁶.

CHAPTER III INDIVIDUALIZATION OF THE PUNISHMENT

(Items 141 to 162)

Section 141

Within the limits of the maximum and the minimum enacted by the law repressing the offence, the judge has a discretionary power to set and individualize the sentence taking into account, on the one hand, the seriousness of the offense committed, on the other hand, the personality of the offender.

Section 142

The judge is required to apply to the culprit a reduced or aggravated sentence each time that either one or more mitigating excuses are proven, or one or more of the aggravating circumstances provided for by law.

He is required to pronounce absolution when proof is provided of the existence in favor of the culprit of an absolutionary excuse provided for by law.

34 - Ibid.

35 - Ibid.

36 - The provisions of the second paragraph of article 140 of the penal code have been repealed by article 7 of law n° 24-03 amending and supplementing the aforementioned penal code.

Unless otherwise provided by law, he has the option of granting the guilty the benefit of mitigating circumstances under the conditions provided for in Articles 146 to 151.

SECTION I LEGAL EXCUSES

(Items 143 to 145)

Section 143

Apologies are facts determined by law which, while leaving the offense and liability to remain, ensure offenders either impunity when they are absolved, or a moderation of the penalty when they are mitigating.

Section 144

Apologies are special and apply only to one or more specified offences. They are enacted by this code, in the provisions of Book III concerning the various offences.

Section 145

The absolutionary excuse has the effect of providing the culprit with absolution which exempts him from the penalty, but leaves the faculty to the judge to apply to the absolved person measures of personal or real security other than relegation.

SECTION II OF THE GRANT BY THE JUDGE OF CIRCUMSTANCES

APPROXIMATE

(Items 146 to 151)

Section 146

When, at the end of the proceedings, the criminal court seised considers that, in the case submitted to it, the criminal sanction provided for by law is excessive in relation either to the gravity of the facts or to the guilt of the perpetrator , it may, unless otherwise provided by law, grant the convicted person the benefit of extenuating circumstances.

The admission of extenuating circumstances is left to the discretion of the judge, on condition that he specifically motivates his decision on this

point; the effects are exclusively personal and the penalty must be reduced only with regard to the convicts who have been admitted to benefit from it.

This admission has the effect of entailing, under the conditions determined in the articles below, the reduction of the applicable penalties.

Section 147

If the penalty enacted by law is death, the criminal court applies the penalty of life imprisonment or that of 20 to 30 years' imprisonment.

If the penalty imposed is that of life imprisonment, the criminal court applies the penalty of imprisonment from 10 to 30 years.

If the sentence imposed is that of imprisonment of 20 to 30 years, the criminal court applies the penalty of imprisonment of 5 to 20 **years**³⁷.

If the minimum sentence imposed is imprisonment for ten years, the criminal court applies imprisonment for five to ten years or imprisonment for two to five years.

If the minimum sentence imposed is five years' imprisonment, the criminal court applies a prison sentence of one to five **years**³⁸.

If the criminal sentence enacted is accompanied by a fine, the criminal court can reduce it to 120 dirhams³⁹ or even cancel it.

When the penalty of imprisonment is substituted for a criminal penalty, the criminal court may, in addition, impose a fine of 12,040 to 1,200 dirhams and, for a period of 5 to 10 years, the prohibition of the rights provided for in paragraphs 1 and 2 of article 26 and the stay ban.

37 - This third paragraph does not appear in the Arabic language version of the penal code as it was published in the Official Bulletin, knowing that paragraph 3 of the Arabic version corresponds to paragraph 4 of the French version.

38 - See previous footnote. This paragraph 5 corresponds to paragraph 4 of the Arabic language version of the

penal code 39 - The minimum fine provided for in this article has not been increased to 200 dirhams in accordance with Law No. 3-80 mentioned above insofar as it is a question of applying the extenuating circumstances which envisage reducing the sorrow below the legal minimum incurred in the normal assumption.

40 - Ibid.

Section 148

If the sentence imposed is forced residence, the court pronounces the civic degradation or imprisonment for six months to two years.

If the sentence imposed is civic degradation, the court pronounces either a prison sentence of six months to two years, or the deprivation of some of the rights provided for in article 26.

Section 149

In matters of misdemeanor, even in the case of recidivism, the judge, unless otherwise provided by law, in all cases where the penalty imposed is that of imprisonment and a fine or one of these two penalties only, may, when he notes the existence of mitigating circumstances, reduce the sentence below the legal minimum, without however the imprisonment being less than one month and the fine less than 120 dirhams⁴¹.

Section 150

In terms of police offences, even in the case of recidivism, the judge, unless otherwise provided by law, may, when he finds the existence of mitigating circumstances, in cases where the sentence imposed is that of imprisonment and fine or only one of these two penalties, reduce the penalty below the legal minimum, without however the imprisonment being less than six days and the fine to 12 dirhams.

He can also pronounce one or other of these penalties separately and even substitute the fine for imprisonment without in any case this fine being less than the minimum of the contraventional fine.

In the case where the fine is substituted for imprisonment, if the penalty of imprisonment was only enacted by law, the maximum of this fine may be set at 5,000 dirhams.

Section 151

In matters of contravention, even in the case of recidivism, the judge, when he notes the existence of mitigating circumstances, may reduce the

41 - Ibid.

detention and fine up to the minimum provided for by this code for contraventional penalties; he may substitute the fine for detention in the event that the latter is enacted by law.

SECTION III AGGRAVATING CIRCUMSTANCES

(Sections 152 and 153)

Section 152

The aggravation of the penalties applicable to certain offenses results from the circumstances inherent either to the commission of the offense or to the guilt of its author.

Section 153

The law determines these circumstances on the occasion of certain criminal or tortious offences.

SECTION IV RECURRENCE

(Items 154 to 160)

Section 154

Is, under the conditions determined in the articles below, in a state of legal recidivism, the one who, after having been the subject of an irrevocable condemnation for a previous offence, commits another.

Section 155

Anyone who has been, by irrevocable decision, condemned to a criminal penalty, has committed a second crime whatever its nature, is condemned:

To forced residence for a period not exceeding ten years if the penalty enacted by law for the second crime is civic degradation;

To five to ten years' imprisonment, if the penalty prescribed by law for the second crime is forced residence;

To imprisonment of ten to twenty years, if the penalty enacted by law for the second crime is imprisonment of five to ten years;

A prison term of twenty to thirty years, if the maximum penalty enacted by law for the second crime is imprisonment for twenty years;

To life imprisonment, if the maximum penalty prescribed by law for the second crime is thirty years' imprisonment;

With the death penalty, if the first crime having been punished by life imprisonment, the penalty enacted by law for the second crime is life imprisonment.

Section 156

Anyone who has been, by irrevocable decision, sentenced for a crime to a penalty of more than one year's imprisonment has, less than five years after the expiry of this penalty or its prescription, committed a crime or an offense legally punishable by a penalty of imprisonment, must be sentenced to the maximum of this penalty, which may be raised to double.

The residence ban may also be issued for a period of five to ten years.

Section 157

Anyone who has been, by irrevocable decision, condemned for an offense to a term of imprisonment, who has committed the same offense less than five years after the expiration of this penalty or its prescription, must be sentenced to a term of imprisonment which does not may be less than double that previously pronounced, without however being able to exceed double the maximum penalty legally enacted for the new offence.

Section 158

Are considered as constituting the same offense for the determination of recidivism, the offenses brought together in one of the following paragraphs:

1° Theft, fraud, breach

of trust, abuse of blank check, issuance of bad check , use of forgery and fraudulent bankruptcy, concealment of things resulting from a crime or misdemeanour;

2° Reckless homicide, reckless injury, hit and run;

3° Indecent assault without violence, public indecent exposure, habitual incitement to debauchery, assistance in the prostitution of others; 4° Rebellion,

violence and insults towards the magistrates, the assessors-jurors, law enforcement officers;

5° All offenses committed by one spouse against the other spouse⁴² ;

6° All offenses committed against children under ten eight Gregorian years .

In the event that the law, to determine the penalty, refers to an article of the penal code punishing another offense, the two offenses thus assimilated from the point of view of the penalty, are considered for the determination of the recidivism as constituting the same offense. .

Section 159

Anyone who has been sentenced for a contravention has, within twelve months of the pronouncement of this decision of condemnation, which has become irrevocable, committed the same contravention, is punished with the aggravated penalties of the subsequent contravention in accordance with the provisions of article 611.

Section 160

Anyone who has been convicted by a military tribunal is, in the event of a crime or misdemeanor committed subsequently, liable to the penalties of recidivism, only insofar as the conviction was pronounced by the military tribunal for a crime or misdemeanor punishable by after the ordinary penal laws.

SECTION V OF THE COMPETITION OF CAUSES OF MITIGATION OR

AGGRAVATION

(Sections 161 and 162)

Section 161

In the event of concurrent causes of attenuation and aggravation, the judge determines the sentence taking into account successively:

42 - Paragraph supplemented by article 2 of the aforementioned law n° 24-03.

43 - Ibid.

Aggravating circumstances inherent in the commission of the offence;

Aggravating circumstances inherent in the personality of the author of the offence;

Mitigating legal excuses inherent in the commission of the offence;

Mitigating legal excuses inherent in the personality of the author of the offence;

From the state of recidivism;

extenuating circumstances.

Section 162

When the culprit is a minor and the judge decides to apply a penalty in execution of the provisions of article 517 of the code of criminal procedure⁴⁴, the reduction or substitution of penalties provided for in the said article are determined according to the penalty as it would have been applicable to a major delinquent by virtue of the provisions of the preceding article.

44 - Article 482 of Law No. 22.01 relating to the aforementioned criminal procedure.

BOOK III OF THE VARIOUS OFFENSES AND THEIR SANCTION:

(Items 163 to 612)

TITLE ONE CRIMES, OFFENSES CORRECTIONS AND POLICE OFFENSES

(Items 163 to 607)

CHAPTER ONE CRIMES AND OFFENSES AGAINST THE STATE SECURITY

(Items 163 to 218)

SECTION I ATTACKS AND PLOTS AGAINST THE KING, THE ROYAL FAMILY AND THE FORM OF GOVERNMENT

(Items 163 to 180)

Section 163

The attempt against the life or the person of the King is punishable by death.

This attack is never excusable.

Section 164

The attempt against the person of the King, when it has not resulted in infringing on his freedom and when it has not caused him bloodshed, injuries or illness is punishable by life imprisonment.

Section 165

The attempt against the life of the Heir to the Throne is punishable by death.

Section 166

The attempt against the person of the Heir to the Throne is punished by life imprisonment.

When it did not result in infringing on his freedom and he did not cause him bloodshed, injuries or illness, this attack is punishable by imprisonment of 20 to 30 years.

Section 167

The attempt against the life of the members of the royal family is punished with death.

The attempt against their person is punishable by imprisonment from 5 to 20 years.

When it has not resulted in infringing on their freedom and it has not caused them bloodshed, injuries or illness, this attack is punishable by 2 to 5 years' imprisonment.

Section 168

Are considered as members of the royal family for the application of the preceding article: the ascendants of the King, his descendants in direct line, his wives, his brothers and their children of both sexes, his sisters and his uncles.

Section 169

The attack whose aim is either to destroy, or to change the Regime or the order of succession to the Throne, or to cause people to take up arms against the royal authority is punished by life imprisonment.

Section 170

The attack exists as soon as there is a punishable attempt.

Section 171

In the event that one of the crimes provided for in articles 163, 165, 167 and 169 has been carried out or simply attempted by a band, the penalties enacted in these articles are applied to all individuals, without distinction of rank, forming part of gang and who were apprehended at the scene of the riotous meeting.

The same penalties are pronounced against anyone who has led the sedition, or exercised in the band any specific employment or

command, even when he was not apprehended at the scene of the meeting.

Section 172

The conspiracy against the life or the person of the King is punished by life imprisonment, if it was followed by an act committed or begun in preparation for its execution.

If it has not been followed by any act committed or begun to prepare for its execution, the penalty is that of imprisonment from five to twenty years.

Section 173

The plot against the life of the Heir to the Throne is punished in accordance with the previous article.

Conspiracy against the person of the Heir to the Throne is punishable by imprisonment of ten to twenty years, if it was followed by an act committed or begun to prepare for its execution.

If it was not followed by any act committed or begun to prepare the execution, the penalty is that of imprisonment from five to ten years.

Section 174

The conspiracy to achieve one of the ends mentioned in article 169 is punished by imprisonment from ten to thirty years, if it was followed by an act committed or begun in preparation for its execution.

If it was not followed by any act committed or begun to prepare the execution, the penalty is that of imprisonment from five to ten years.

Section 175

There is a conspiracy as soon as the resolution to act is concerted and stopped between two or more people.

Section 176

The proposal made and not approved to form a conspiracy against the life or person of the King or the Heir to the Throne is punished by imprisonment from five to ten years.

Section 177

The proposal made and not approved to form a conspiracy to achieve one of the ends mentioned in article 169 is punished by imprisonment from two to five years.

Section 178

When an individual has formed alone the resolution to commit an attempt against the life or the person of the King or against the life of the Heir to the Throne and that an act to prepare the execution has been committed or begun by him alone and without assistance, the penalty is that of imprisonment from five to ten years.

Section 179

Apart from the cases provided for by dahir n° 1-58-378 of 3 jounada I 1378 (November 15, 1958) forming the press code⁴⁵, is

punishable by: 1° Imprisonment of one to five years and a fine from 200 to 1,000 dirhams for any offense committed against the person of the King or the Heir to the Throne;

2° Imprisonment of six months to two years and a fine of 20,046 to 500 dirhams for any offense committed against the members of the royal family designated in article 168.

45 - Article 41 of Dahir No. 1-58-378 of Jounada I 3, 1378 (November 15, 1958) forming the Press and Publishing Code, Official Bulletin No. 2404 bis of November 27, 1958, p. 1914, as amended and supplemented by Law No. 77-00 promulgated by Dahir No. 1-02-207 of 25 Rejeb 1423 (October 3, 2002), Official Bulletin No. 5080 of 4 Hija 1423 (February 6, 2003), p. 131, provides as

follows: "Any offense, by one of the means provided for in article 38, against His Majesty the King, the royal princes and princesses.

The same penalty is applicable when the publication of a newspaper or writing undermines the Islamic religion, the monarchical regime or territorial integrity.

In the event of a conviction pronounced pursuant to this article, the suspension of the newspaper or of the writing may be pronounced by the same court decision for a period which shall not exceed three months.

This suspension will have no effect on the employment contracts that bind the operator, which remains bound by all contractual or legal obligations resulting therefrom.

The court can pronounce, by the same decision of justice, the prohibition of the newspaper or writing. »

46 - see supra note corresponding to article 111.

Section 180

In the cases where, by virtue of one of the articles of this section, a criminal penalty is only incurred, the culprits may, in addition, be struck for five years at least and twenty years at most of the prohibition of one or more of the rights mentioned in article 40 of this code; they may also be subject to a residence ban for a period of two to ten years.

SECTION II CRIMES AND OFFENSES AGAINST SECURITY OUTSIDE THE STATE

(Items 181 to 200)

Section 181

Is, in time of peace or in time of war, guilty of treason and punished by death: 1° Any

Moroccan who bears arms against Morocco; 2° Any

Moroccan who maintains relations with a foreign authority, with a view to inducing it to undertake hostilities against the Morocco, or provides it with the means, either by facilitating the penetration of foreign forces into Moroccan territory, or by undermining the loyalty of the land, sea or air forces, or in any other way;

3° Any Moroccan who delivers to a foreign authority or to its agents, either Moroccan troops, or territories, cities, fortresses, works, posts, stores, arsenals, materials, ammunition, vessels, buildings or air navigation devices belonging to the Morocco;

4° Any Moroccan who delivers to a foreign authority or to its agents, in any form and by any means whatsoever, a national defense secret or who ensures by any means whatsoever the possession of a national defense secret. this nature with a view to delivering it to a foreign authority or its agents;

5° Any Moroccan who voluntarily destroys or damages a ship, air navigation device, material, supply, construction or installation likely to be used for national defense or practiced knowingly, either before or after their completion, poor workmanship likely to prevent them from operating, or to cause an accident.

Section 182

- Is, in time of war, guilty of treason and punished by death:
- 1° Any Moroccan who provokes soldiers or sailors to enter the service of a foreign authority, facilitates the means for them or enlists for an authority at war with Morocco;
 - 2° Any Moroccan who maintains intelligence with a foreign authority or with its agents with a view to favoring the undertakings of this authority against Morocco;
 - 3° Any Moroccan who knowingly participates in an enterprise to demoralize the army or the nation with the aim of harming national defense.

For the application of this article and that of article 181, foreign soldiers or sailors in the service of Morocco are assimilated to Moroccans.

Section 183

Is, in time of peace, punishable by imprisonment from five to twenty years, any Moroccan or foreigner who knowingly participates in an enterprise of demoralization of the army with the aim of harming national defense.

Section 184

Is, in time of peace, punishable by imprisonment from five to thirty years, any Moroccan or foreigner who is guilty:

- 1° Deliberate poor workmanship in the manufacture of war material, when this poor workmanship is not likely to cause an accident;
- 2° Deterioration or voluntary destruction of material or supplies intended for or used for national defence;
- 3° Violent obstruction of the circulation of this material;
- 4° Voluntary participation in an action committed as a band and with open force, having as its aim and result one of the crimes provided for in the preceding paragraphs of this article, as well as the preparation of the said action.

Section 185

Is guilty of espionage and punished by death any foreigner who commits one of the acts referred to in article 181, paragraphs 2, 3, 4 and 5, and in article 182.

Section 186

The incitement to commit or the offer to commit one of the crimes referred to in Articles 181 to 185 is punished as the crime itself.

Section 187

The following are considered national defense secrets for the application of this code:

1° Information of a military, diplomatic, economic or industrial nature which, by its nature, must only be known to persons qualified to hold it, and must, in the interest of national defence, be kept secret from the towards any other person;

2° Objects, materials, writings, drawings, plans, maps, surveys, photographs or other reproductions, and any other documents whatsoever which, by their nature, should only be known to persons qualified to handle or hold them and should be kept secret from any other person as being able to lead to the discovery of information belonging to one of the categories referred to in the preceding paragraph; 3° Military information of any kind, not made public by the

Government and not included in the above lists, the publication, distribution, disclosure or reproduction of which has been prohibited by a dahir or by a decree in council of cabinet;

4° Information relating either to the measures taken to discover and arrest the perpetrators and accomplices of crimes or offenses against the external security of the State, or to the progress of the proceedings and the investigation, or to the proceedings before the court of judgement.

Section 188

Is guilty of undermining the external security of the State:

1° Any Moroccan or foreigner who, by hostile acts not approved by the Government, exposes Morocco to a declaration of

war;

2° Any Moroccan or foreigner who, by acts not approved by the Government, exposes Moroccans to reprisals.

When the offenses provided for in paragraphs 1 and 2 are committed in time of war, they are punishable by imprisonment from five to thirty years.

When committed in time of peace, they are punishable by imprisonment of one to five years and a fine of 1,000 to 10,000 dirhams.

Section 189

Is guilty of undermining the external security of the State and punished by imprisonment from five to

thirty years: 1° Any Moroccan or foreigner who, in time of war, maintains without authorization from the Government, a correspondence or relations with the subjects of a power or agents of an enemy authority;

2° Any Moroccan or foreigner who, in time of war, in defiance of the prohibitions enacted, directly or through intermediary acts of commerce with the subjects of a power or the agents of an enemy authority.

Section 190

Any Moroccan or foreigner who has undertaken, by any means whatsoever, to undermine the integrity of Moroccan territory is guilty of undermining the external security of the State.

When the offense was committed in time of war, the culprit is punished by death.

When it was committed in time of peace, the culprit is punished by imprisonment from five to twenty years.

Section 191

Is guilty of undermining the external security of the State, whoever maintains with the agents of a foreign authority intelligence having for object or having had the effect of harming the military or diplomatic situation of Morocco.

When the offense was committed in time of war, the penalty is that of imprisonment from five to thirty years.

When committed in peacetime, the penalty is imprisonment for one to five years and a fine of 1,000 to 10,000 dirhams.

Section 192

Is guilty of undermining the external security of the State:

1° Any Moroccan or foreigner who, for a purpose other than that of handing him over to a foreign authority or its agents, ensures, by any means whatsoever , the possession of a national defense secret or bringing it, in any form and by any means whatsoever, to the knowledge of the public or of an unqualified person; 2° Any Moroccan or foreigner who,

through imprudence, negligence or non-observance of regulations, allows the destruction, subtraction or removal, in whole or in part, and even temporarily, of objects, materials, documents or information entrusted to him, and whose knowledge could lead to the discovery of a national defense secret, or even in part, knowledge, copy or reproduction;

3° Any Moroccan or foreigner who, without prior authorization from the competent authority, delivers or communicates to a person acting on behalf of a foreign authority or company, either an invention relating to national defense, or information, studies or manufacturing processes relating to an invention of this kind, or to an industrial application of interest to national defence.

When the offenses provided for in the preceding paragraphs are committed in time of war, the penalty is that of imprisonment from five to thirty years.

When committed in peacetime, the penalty is imprisonment for one to five years and a fine of 1,000 to 10,000 dirhams.

Section 193

Is guilty of undermining the external security of the State:

1° Any Moroccan or foreigner who enters under a disguise or a false name, or by concealing his quality or his nationality, in a

fortress, a work, post or arsenal, in the works, camps, bivouacs or cantonments of an army, in a warship, or a commercial vessel used for national defense, in an aerial navigation device or in a vehicle military, in a military or maritime establishment of any kind or in an establishment or shipyard working for national defence;

2° Any Moroccan or foreigner who, even without disguising himself, or without concealing his name, quality or nationality, has secretly organized any means of correspondence or remote transmission likely to harm national defense ;

3° Any Moroccan or foreigner who flies over Moroccan territory by means of a foreign aircraft without being authorized to do so by a diplomatic convention or permission from the Moroccan authority; 4°

Any Moroccan or foreigner who, in a zone of prohibition fixed by the military or maritime authority, carries out without the latter's authorization, drawings, photographs, surveys or topographical operations inside or around the places , military and maritime works, posts or establishments;

5° Any Moroccan or foreigner who stays, in defiance of a prohibition enacted by the legitimate authority, within a determined radius around fortified works or military establishments and maritime.

When the offenses provided for in the preceding paragraphs are committed in time of war, the penalty is that of imprisonment from five to thirty years.

When committed in peacetime, the penalty is imprisonment for one to five years and a fine of 1,000 to 10,000 dirhams.

Section 194

Any Moroccan or foreigner who, in time of war, has knowingly carried out a act likely to harm national defense, other than those listed in the preceding articles.

Section 195

Any Moroccan or foreigner who, in time of peace, enlists soldiers in Moroccan territory on behalf of a foreign authority.

The same penalty is applicable to the author of this offense in time of war, unless the act constitutes a more serious offence.

Section 196

Independently of the application of article 129 repressing complicity and article 571 repressing concealment, is punished as an accomplice or as concealer:

1° Any Moroccan or foreigner who, knowing the intentions of the perpetrators of crimes or offences, against the external security of the State, provides them with subsidies, means of subsistence, accommodation, place of retirement or meeting;

2° Any Moroccan or foreigner who knowingly carries the correspondence of the perpetrators of a crime or an offense against the external security of the State or knowingly facilitates their search, receiving, transporting or transmission of the object of the crime or offence;

3° Any Moroccan or foreigner who knowingly conceals the objects or instruments used or intended to be used to commit the said crimes or offenses or the objects, materials or documents obtained by these crimes or offences;

4° Any Moroccan or foreigner who knowingly destroys, removes, conceals, conceals or alters a public or private document which was likely to facilitate the investigation of the crime or misdemeanor provided for in the preceding paragraphs, the discovery of evidence, or the punishment of its authors.

However, the trial court may exempt from the penalty the persons designated in this article who have not otherwise participated in the crime or misdemeanor, when they are relatives or allies of the author of the offense. , up to and including the fourth degree.

Section 197

In cases where, by virtue of one of the articles of this section, a criminal penalty is incurred, this penalty may be increased to double in respect of the offenses referred to in articles 188, paragraph 1, 191 and 193. The culprits may, in addition, be struck for at least five years and at most twenty years by the prohibition of one or more of the rights mentioned in article 40 of this code; they may also be subject to a residence ban for a period of two to ten years.

Section 198

Moroccan law applies to crimes and offenses against the external security of the State committed inside or outside the territory of the Kingdom.

Prosecution of offenses committed abroad is not subject to the conditions provided for in Articles 751 to 756 of the Code of Criminal Procedure⁴⁷.

The attempt of the crime is punished as the consummated crime.

Section 199

The confiscation of the object of the crime or misdemeanor and of the objects and instruments used to commit it must be ordered without it being necessary to ascertain whether or not they belong to the convicted person.

The compensation received by the culprit, or the amount of its value when the compensation could not be seized, must be declared to the Treasury by the judgment.

When the attack on the external security of the State was committed in time of war, the culprit may be sentenced to the confiscation of part of his property not exceeding half.

Item 200

The provisions of this section do not preclude the application, in the cases provided for therein, of the provisions enacted by the codes of military justice for the army and for the navy in matters of treason. and espionage.

47 - Articles 707 to 712 of Law No. 22.01 relating to the aforementioned criminal procedure.

SECTION III CRIMES AND OFFENSES AGAINST SECURITY INTERIOR OF THE STATE

(Items 201 to 207)

Section 201

Is guilty of undermining the internal security of the State and punished by death, any author of an attack whose aim is either to provoke civil war by arming or by inciting the inhabitants to arm themselves against each other, either to carry the devastation, the massacre and the pillage in one or more douars or localities.

The conspiracy formed for the same purpose is punishable by imprisonment from five to twenty years if it was followed by an act committed or begun to prepare for its execution.

If the conspiracy has not been followed by any act committed or begun to prepare for its execution, the penalty is that of imprisonment from one to five years.

The proposal made and not approved to form the conspiracy is punished by imprisonment from six months to three years.

Section 202

Is guilty of undermining the internal security of the State and punished with death :

1° Any person who, without right or legitimate reason, takes or exercises command of an army unit, one or more warships, one or more military aircraft, a stronghold, a military post, port or town; 2° Any person who maintains, against the order of the Government, any military

command; 3° Any commander who maintains his army or his troop

gathered after the dismissal or separation was ordered;

4° Any person who, without the order or authorization of the legitimate power, raises or causes to be raised armed troops, engages or enlists, causes to engage or enlist soldiers or supplies them with or procures arms or ammunition.

Section 203

Any person who, either to seize public funds, or to invade domains, properties, squares, towns, fortresses, posts, stores, , ports, vessels or buildings, belonging to the State, either to plunder or share national public property, or that of a generality of citizens, or finally to attack or resist the public force acting against the perpetrators of these crimes , put himself at the head of armed bands, or exercised any function or command therein.

The same penalty is applied to those who have led the association, raised or caused to be raised, organized or caused to be organized the seditious bands or have, knowingly and voluntarily, supplied or procured arms, ammunition and instruments of crime, or sent convoys to them. of subsistence, or who have otherwise provided assistance to the leaders or commanders of the bands.

Section 204

In the case where one of the crimes provided for in article 201 has been carried out or simply attempted by a band, the penalties enacted in this article are, under the conditions provided for in article 171, applied to all individuals without distinction of ranks forming part of the band.

Section 205

In the case where the seditious meeting had as its object or result one of the crimes provided for in article 203, the individuals forming part of these bands without exercising any command or determined employment there and who would have been apprehended on the premises of the meeting shall be punished by imprisonment from five to twenty years.

Section 206

Any person who, directly or indirectly, receives from a person or a foreign organization and in any form whatsoever, donations, presents, loans or other advantages intended or used in whole or in part to carry out or remunerate in Morocco an activity or propaganda likely to undermine the integrity, sovereignty, or

to the independence of the Kingdom, or to undermine the loyalty that citizens owe to the State and to the institutions of the Moroccan people.

Section 207

In the cases provided for in the preceding article, the confiscation of funds or objects received must be pronounced.

The culprit may also be banned, in whole or in part, from rights mentioned in article 40.

SECTION IV PROVISIONS COMMON TO THIS CHAPTER

(Items 208 to 218)

Section 208

Those who, knowing the purpose and character of armed bands, have provided for in articles 171, 203 and 205, provided them with housing, places of retirement or meeting, are punished by imprisonment of five to ten years.

Section 209

Is guilty of non-revelation of an attack against the security of the State and punished by imprisonment of two to five years and a fine of 1,000 to 10,000 dirhams any person who, having knowledge of projects or acts tending to the perpetration facts punishable by a criminal penalty under the provisions of this chapter, does not, from the moment it becomes aware of them, declare them to the judicial, administrative or military authorities.

Section 210

In the case provided for in the preceding article, the culprit may, in addition, be subject to the prohibition of one or more of the rights mentioned in article 40 and a ban on residence which may not exceed ten years.

Section 211

Benefits from an absolutionary excuse, under the conditions provided for in articles 143 to 145, that of the culprits who, before any execution or attempt of a crime or an offense against the security of the State, has, the first,

informed the authorities referred to in Article 209 of these offenses and of their perpetrators or accomplices.

Section 212

The absolutionary excuse provided for in the preceding article is only optional if the denunciation intervenes after the consumption or the attempt of the crime or misdemeanor, but before the opening of the proceedings.

Section 213

Benefit from an absolute excuse for the acts of sedition provided for in articles 203 to 205, those who, having belonged to armed bands without exercising any command and without fulfilling any specific employment, withdrew at the first warning of the civil authorities or soldiers or even later when they were apprehended outside the premises of the seditious meeting, unarmed and without putting up any resistance.

Section 214

Beneficiaries of an absolutionary excuse remain punishable for other crimes or misdemeanors that they would have personally committed during or on the occasion of the sedition.

Section 215

Individuals who have been exempted from penalty by application of both Articles 211 and 213 may, under the provisions of Article 145, be subject to security measures.

Section 216

The crimes and misdemeanors provided for in this chapter are investigated and judged by priority, as urgent matters.

Section 217

The judgment of referral of the indictment division to the criminal court may, in the matters provided for in this chapter, be the subject only of the appeal in cassation of article 451 (last paragraph) of the

Code of Criminal Procedure⁴⁸, excluding the special appeal referred to in Article 452 of the same code⁴⁹.

Section 218

For the execution of the sentences, the crimes and misdemeanors provided for in this chapter are considered common law crimes and misdemeanors.

CHAPTER ONE BIS⁵⁰ TERRORISM

Article 218-1

Constitute acts of terrorism, when they are intentionally in relation to an individual or collective enterprise aimed at seriously undermining public order by intimidation, terror or violence, the following offences:

- 1) intentional attack on the life of persons or their integrity, or their freedoms, the abduction or sequestration of persons;
- 2) the counterfeiting or falsification of coins or public credit instruments, State seals and hallmarks, stamps and marks, or the forgery or falsification referred to in articles 360, 361 and 362 of this code;
- 3) destruction, damage or deterioration; 4) hijacking, damage to aircraft or ships or any other means of transport, damage to air, sea and land navigation facilities and destruction, damage or damage to means of communication;
- 5) theft and extortion of property;
- 6) the manufacture, possession, transport, distribution or illegal use of weapons, explosives or ammunition;

48 - The equivalent of article 451 of the repealed old criminal procedure code does not exist. See with regard to cassation appeals against orders for dismissal Article 524 of Law No. 22.01 relating to the aforementioned criminal procedure (in Arabic), which corresponds to the first paragraph of Article 574 of the old code. of criminal procedure repealed.

49 - The equivalent of this article does not exist in Law No. 22.01 relating to the aforementioned criminal procedure.

50 - Chapter added by Article 1 of Title I of Law No. 03-03 relating to the aforementioned fight against terrorism.

7) offenses relating to automated data processing systems;

8) forgery or falsification of checks or any other means of payment covered respectively by Articles 316 and 331 of the Commercial Code⁵¹ ;

9) participation in an association formed or an agreement established for the preparation or commission of one of the acts of terrorism;

10) knowingly receiving the proceeds of a terrorism offence.

51 - Law No. 15-95 forming the Commercial Code promulgated by Dahir No. 1-96-83 of 15 Rabii I 1417 (August 1, 1996), Official Bulletin No. 4418 of 19 Jounada I 1417 (October 3, 1996), p. 568.

Section 316

Is liable to imprisonment for one to five years and a fine of 2,000 to 10,000 dirhams without this fine being less than twenty-five percent of the amount of the check or of the insufficient funds: 1) the drawer of a check who fails to maintain

or provide funds for the check for payment on presentment; 2) the drawer of the check who improperly forbids the drawee to pay; 3) anyone

who forges or falsifies a cheque; 4) any person who knowingly agrees to receive, endorse or endorse a forged or counterfeit

cheque; 5) any person who knowingly uses or attempts to use a counterfeit or falsified cheque; 6) any person who, knowingly, agrees to

receive or endorse a check on the condition that it is not cashed immediately and that it is kept as security.

Counterfeit or falsified checks will be confiscated and destroyed. The confiscation of the materials, machines, devices or instruments which were used or were intended to be used for the production of the said checks will be pronounced by court decision, except when they have been used without the knowledge of the owner.

Section 331

Shall be punished with the penalties provided for in article 316, with regard to the means of payment, subject of this

title: 1) those who have counterfeited or falsified a means of payment;

2) those who knowingly used or attempted to use a counterfeit or falsified means of payment; 3) those who, knowingly, have agreed to

receive payment by a counterfeit or falsified means of payment.

Section 218-2

Is punished by imprisonment of 2 to 6 years and a fine of 10,000 to 200,000 dirhams, anyone who advocates acts constituting offenses of terrorism, by speeches, cries or threats made in places or meetings. or by writings, printed matter sold, distributed or offered for sale or exhibited in public places or meetings or by posters exposed to public view by the various audio-visual and electronic means of information.

Section 218-3

Also constitutes an act of terrorism, within the meaning of the first paragraph of article 218-1 above, the fact of introducing or putting into the atmosphere, on the ground, in the subsoil or in water, including those of the territorial sea, a substance which endangers human or animal health or the natural environment.

The acts provided for in the first paragraph above are punishable by ten to twenty years' imprisonment.

The penalty is life imprisonment, when the facts have led to mutilation, amputation or deprivation of the use of a limb, blindness, loss of an eye or any other permanent infirmity for one or more persons.

The culprit is punished by death when the facts led to death of one or more people.

Section 218-4⁵²

The following offenses constitute acts of terrorism: - the fact of providing, collecting or managing by any means whatsoever, directly or indirectly, funds, securities or property with the intention of seeing them used or knowing that they will be used, in whole or in part, to commit an act of terrorism, regardless of the occurrence of such an act;

- the fact of providing assistance or giving advice for this purpose.

52 - Article amended and supplemented by Article 1 of Law No. 13-10 amending and supplementing the Penal Code, Law No. 22-01 relating to criminal procedure, cited above and Law No. 43-05 relating to the fight against money laundering, promulgated by Dahir n°1-07-79 of 28 rabii I 1428 (April 17, 2007); Official bulletin n° 5911 bis of 19 safar 1432 (24 January 2011), p 158.

The offenses referred to in this article are punished: for

- * natural persons, five to twenty years' imprisonment and a fine of 500,000 to 2,000,000 dirhams;
- * for legal persons, a fine of 1,000,000 to 5,000,000 dirhams, without prejudice to the penalties that could be pronounced against their managers or agents involved in the offences.

The penalty is increased to ten years and thirty years of imprisonment and the fine is doubled:

- when the offenses are committed using the facilities that procures the exercise of a professional activity; -
- when the offenses are committed in an organized gang;
- in case of recurrence.

The person guilty of terrorist financing also incurs the confiscation of all or part of his property.

Article 218-4-1 ⁵³

In the event of conviction for a terrorist financing offense or for a terrorism offence, the total confiscation of things, objects and property which were used or were to be used for the offense or which are the proceeds or of the equivalent value of the said objects, goods or product must be pronounced, subject to the rights of third parties in good faith.

Article 218-4-2 ⁵⁴

For the application of the provisions of articles 218-4 and 218-4-1 of this law, the following terms are

understood to mean: - Proceeds: all goods resulting, directly or indirectly, from one of the offenses provided to the aforementioned articles; - Goods: all types of tangible or intangible assets, movable or immovable, divided or undivided, as well as legal deeds or documents, whatever their medium, including in electronic or digital form, attesting to the ownership of these assets or related rights.

53 - Article added to Chapter One Bis of Title One of Book III of the Penal Code by Article 2 of Law No. 13-10 amending and supplementing the Penal Code, cited above.

54 - Ibid.

Section 218-5

Whoever, by any means whatsoever, persuades, incites or provokes another to commit one of the offenses provided for in this chapter, is liable to the penalties prescribed for this offence.

Section 218-6

In addition to the cases of complicity provided for in article 129 of this code, is punished by ten to twenty years' imprisonment, anyone who knowingly provides a person who is the author, co-author or accomplice of a terrorist act, either with weapons, ammunition or instruments of the offence, either monetary contributions, means of subsistence, correspondence or transport, or a place of meeting, lodging or retirement or which helps them to dispose of the proceeds of their misdeeds, or which, any other way, knowingly assists them.

However, the court may exempt from the penalty the relatives or relatives up to the fourth degree, inclusive, of the perpetrator, co-perpetrator or accomplice of a terrorist act, when they have only provided the latter accommodation or means personal subsistence.

Section 218-7

The maximum penalties provided for the offenses referred to in Article 218-1 above, are raised as follows, when the acts committed constitute terrorism offences:

- death when the penalty provided is life imprisonment; - life imprisonment when the maximum penalty provided is 30 years' imprisonment;

- the maximum custodial sentences are doubled, without exceeding thirty years when the penalty provided is reclusion or imprisonment; - when the penalty provided for is a fine, the

maximum penalty

is multiplied by one hundred without being less than 100,000 dirhams;

- when the perpetrator is a legal person, the dissolution of the legal person as well as the two security measures provided for in article 62 of the penal code must be pronounced subject to the rights of others.

Section 218-8

Is guilty of non-disclosure of offenses of terrorism and punished by imprisonment of five to ten years, any person who, having knowledge of projects or acts tending to the perpetration of facts constituting offenses of terrorism, does not not, from the moment it becomes aware of them, the declaration to the judicial, security, administrative or military authorities.

However, the court may, in the case provided for in the first paragraph of this article, exempt from the penalty the relatives or allies up to the fourth degree, inclusive, of the author, co-author or accomplice of a terrorism offense. .

In the case of a legal person, the penalty is a fine of 100,000 to 1,000,000 dirhams.

Section 218-9

Benefits from an absolute excuse, under the conditions provided for in articles 143 to 145 of this code, the perpetrator, co-perpetrator or accomplice who, before any attempt to commit a terrorism offense that is the subject of an agreement or an association and before any public action is initiated, was the first to reveal to the judicial, security, administrative or military authorities the established agreement or the existence of the association.

When the denunciation took place after the offence, the penalty is reduced by half for the perpetrator, co-perpetrator or accomplice who presents himself ex officio to the authorities mentioned above or who denounces the co-perpetrators or accomplices in the offence. .

When the penalty provided for is death, it is commuted to life imprisonment; when it comes to life imprisonment, it is commuted to imprisonment of 20 to 30 years.

CHAPTER II CRIMES AND OFFENSES CONCERNING INFRINGEMENT OF THE FREEDOMS AND RIGHTS GUARANTEED TO CITIZENS

(Sections 219 to 232)

SECTION I OFFENSES RELATING TO THE EXERCISE OF CIVIL RIGHTS

(Section 219)

Section 219

Offenses committed on the occasion of elections as well as on the occasion of referendum operations, whether before, during or after the ballot, are punished as provided for by the legislation relating to these matters⁵⁵.

SECTION II OFFENSES RELATING TO THE EXERCISE OF CULTS

(Items 220 to 223)

Section 220

Anyone who, through violence or threats, has forced or prevented one or more people from worshiping or attending

55 - Article modified by the single article of law n° 16-92 modifying article 219 of the criminal code, promulgated by dahir n° 1-92-131 of 26 safar 1413 (August 26, 1992), Official Bulletin n° 4166 of 4 rebia l 1413 (2 September 1992), p. 381.

The main electoral laws include: - Organic

Law No. 27-11 relating to the House of Representatives promulgated by Dahir No. 1-11-165 of 16 kaada 1432 (October 14, 2011), Official Bulletin No. 5992 of 6 hija 1432 (3 November 2011), p. 2346; - Organic

law n° 28-11 relating to the Chamber of Councilors promulgated by Dahir n° 1-11-172 of 24 hija 1432 (21 November 2011), Official Bulletin n° 6066 of 29 chaabane 1433 (19 July 2012), p. 2411; - Law n° 9-97

forming the electoral code promulgated by Dahir n° 1-97-83 of 23 kaada 1417 (2 April 1997), Official Bulletin n° 4470 of 24 kaada 1417 (3 April 1997), p. 306.

the exercise of this worship, is punished by imprisonment of six months to three years and a fine of 20056 to 500 dirhams.

Is punished with the same penalty, anyone who uses means of seduction with the aim of shaking the faith of a Muslim or converting him to another religion, either by exploiting his weakness or his needs, or by using for these purposes educational institutions, health institutions, asylums or orphanages. In the event of a conviction, the closure of the establishment which was used to commit the offense may be ordered, either definitively or for a period not exceeding three years.

Section 221

Anyone who voluntarily obstructs the exercise of a worship or a religious ceremony, or voluntarily causes a disorder likely to disturb its serenity, is punished by imprisonment from six months to three years and a fine from 20057 to 500 dirhams.

Section 222

Anyone who, notoriously known for his belonging to the Muslim religion, ostensibly breaks the fast in a public place during the time of Ramadan, without reason admitted by this religion, is punished by imprisonment of one to six months and a fine of 200 to 500 dirhams⁵⁸.

Section 223

Anyone who voluntarily destroys, damages or defiles buildings, monuments or objects used for worship, is punished by imprisonment for six months to three years and a fine of 100 to 500 dirhams⁵⁹.

56 - see supra note relating to Article 111.

57 - Ibid.

58 - After the minimum criminal fines had been increased to 200 dirhams by virtue of article 2 of law n° 3-80 amending certain provisions of the aforementioned penal code, the minimum fine provided for by this article increased exceeded the maximum. Thus, the amount of the fine, in this case, cannot be less than the minimum. 59 - see supra

note relating to Article 111.

SECTION III ABUSE OF AUTHORITY COMMITTED BY OFFICIALS AGAINST INDIVIDUALS AND PRACTICE OF TORTURE⁶⁰

(Sections 224 to 232)

Section 224

Are deemed public officials, for the application of criminal law, all persons who, under any name and to any extent, are invested with a function or a mandate, even temporary, remunerated or free and contribute in this capacity, in the service of the State, public administrations, municipalities, public establishments or a service of public interest.

The status of public official is assessed on the day of the offence; it remains, however, after the cessation of functions when it facilitated or permitted the commission of the offence.

Section 225

Any magistrate, any public official, any agent or official of the authority or of the public force who orders or performs any arbitrary act, detrimental either to individual freedom or to the civil rights of one or more citizens, is punished with the civic degradation.

If he justifies having acted by order of his hierarchical superiors in an area of their competence, for which he owed them obedience, he benefits from an absolutionary excuse. In this case, the penalty is applied only to the superiors who gave the order.

If the arbitrary act or act detrimental to individual freedom was committed or ordered in a private interest or for the satisfaction of personal passions, the penalty incurred is that enacted in articles 436 to 440.

60 - Title of section II of chapter II of title I of book III of the penal code supplemented by article 1 of law n° 43-04 amending and supplementing the Penal Code promulgated by dahir n° 1-06-20 of 15 Moharrem 1427 (February 14, 2006), Official Bulletin n° 5400 of 1st Safar 1427 (March 2, 2006), p. 342.

Section 226

The crimes provided for in article 225 engage the personal civil liability of their author as well as that of the State, except for recourse by the latter against the said author.

Section 227

Public officials, agents of the public force, agents of public authority, in charge of the administrative or judicial police, who have refused or neglected to comply with a complaint tending to establish an illegal and arbitrary detention, either in establishments or premises assigned to the custody of detainees, or anywhere else, and who do not justify having reported to the higher authority, are punished with civic degradation.

Section 228

Any supervisor or guard of a prison establishment or premises assigned to the custody of detainees who has received a prisoner without one of the regular titles of detention provided for in Article 653 of the Code of Criminal Procedure⁶¹ or has refused, without justifying defense of the examining magistrate, to present this prisoner to the authorities or persons authorized to visit him, under the provisions of articles 660 to 662 of the code of criminal procedure⁶², or refused to present his registers to the said authorized persons, is guilty of arbitrary detention and punished by imprisonment of six months to two years and a fine of 200⁶³ to 500 dirhams.

Section 229

Any magistrate of the judicial order, any officer of the judicial police who, except in the case of flagrante delicto, initiates proceedings, issues or signs an order or judgment, or issues a judicial warrant against a person who was the beneficiary of immunity, without having first obtained the release of this immunity in the legal forms, is punished with civic degradation.

61 - Article 608 of Law No. 22.01 relating to the aforementioned criminal procedure.

62 - Articles 616, 620 and 621 of Law No. 22.01 relating to the aforementioned criminal procedure.

63 - see supra note relating to Article 111.

Section 230

Any magistrate, any public official, any agent or agent of the authority or of the public force who, acting as such, enters the home of an individual, against the latter's will, except in the cases provided for by the law, is punishable by imprisonment of one month to one year and a fine of 20064 to 500 dirhams.

The provisions of article 225, paragraph 2°, are applicable to the offense provided for in this article.

Item 23165

Any magistrate, any public official, any agent or agent of authority or of the public force who, without legitimate reason, uses or causes to be used violence against persons in the exercise or on the occasion of the exercise of his functions, is punished for this violence and according to its seriousness, according to the provisions of articles 401 to 403; but the applicable penalty is increased as follows:

If it is a police offense or a misdemeanor, the penalty applicable is increased to double that provided for the offence;

If it is a crime punishable by five to ten years' imprisonment, the penalty is imprisonment for ten to fifteen years;

If it is a crime punishable by ten to twenty years' imprisonment, the penalty is imprisonment for twenty to thirty years.

Sections 231–166

For the purposes of this section, the term torture means any act which causes severe physical or mental pain or suffering, committed intentionally by or at the instigation of a public official or with his express or implied consent, inflicted on a person for the purpose of to intimidate her or to put pressure on her or to put pressure on a third person, to obtain information or indications or a confession, to punish her for an act which she or a third person has committed or is suspected of having committed or

64 - Ibid.

65 - Article amended and supplemented by article 2 of the aforementioned law n° 43-04.

66 - Articles added by article 3 of the aforementioned law n° 43-04.

when such pain or suffering is inflicted for any other reason based on any form of discrimination.

This term does not extend to pain or suffering resulting solely from or occasioned by legal sanctions or incidental thereto.

Section 231-2

Without prejudice to more serious penalties, any public official who has practiced the torture provided for in article 231 -1 above shall be punished by imprisonment for five to fifteen years and a fine of 10,000 to 30,000 dirhams.

Section 231-3

Without prejudice to more serious penalties, the penalty is imprisonment for ten to twenty years and a fine of 20,000 to 50,000 dirhams if the torture is committed:

- on a magistrate, a police officer or a public official in the exercise or on the occasion of the exercise of his functions; - on a witness, a victim or a civil party either because he has made a statement, lodged a complaint or brought a legal action or to prevent him from giving a statement, lodging a complaint or bringing a legal action ; - by several persons acting as perpetrators or accomplices; -
with premeditation or with the use or threat of a weapon.

Section 231-4

The penalty is life imprisonment when the torture is committed on a minor under the age of 18; - when it is

committed against a person whose vulnerable situation, due to age, *illness* , disability, physical or psychological deficiency is apparent or known to the perpetrator of the torture; - when it is committed against a pregnant woman whose pregnancy is apparent or known to the author of the torture; - when it is preceded, accompanied or followed by sexual assault.

- The same penalty is applicable when the torture is carried out in a habitual manner.

Section 231-5

Without prejudice to more serious penalties, when torture results in mutilation, amputation, deprivation of the use of a limb, blindness, loss of an eye or any other permanent infirmity, the penalty is imprisonment for ten to twenty years.

In the event of premeditation or the use of a weapon, the penalty is imprisonment for twenty to thirty years.

Section 231-6

Without prejudice to more serious penalties, any torture which results in death without the intention of giving it is punishable by imprisonment from twenty to thirty years.

In case of premeditation or use of weapons, the penalty is life imprisonment.

Article 231-7

In all the cases provided for in articles 231-2 to 231-6, the court must, when pronouncing a criminal sentence, order the prohibition of the exercise of one or more of the civic, civil or family rights referred to in article 26 of this code for a period of two to ten years.

Section 231 - 8

In all the cases provided for in Articles 231-2 to 231-6 above, the court must, when pronouncing the sentence, order: - the confiscation of the things and objects used to commit torture; - the publication and display of its decision in accordance with the provisions of article 48 of this code.

Section 232

Any public official, any agent of the Government, any employee or servant of the postal service who opens, diverts or deletes letters entrusted to the post office or who facilitates the opening, diversion or deletion⁶⁷, is punished by imprisonment for three months to five years and a fine of 20,068 to 1,000 dirhams.

67 - Dahir of 3 rejab 1343 (January 28, 1925) relating to prohibitions on postal items, Official Bulletin no. 643 of February 17, 1925, p. 259.68

- cf. supra note relating to Article 111.

Shall be punished with the same penalty any employee or servant of the telegraph service who diverts or suppresses a telegram or discloses its content.

The culprit is, moreover, prohibited from all functions or public employment for at least five years and at most ten years.

CHAPTER III CRIMES AND OFFENSES AGAINST PUBLIC ORDER COMMITTED BY OFFICIALS

(Sections 233 to 262)

SECTION I THE COALITION OF OFFICIALS

(Sections 233 to 236)

Section 233

When measures contrary to the law have been concerted, either by a meeting of individuals or bodies depositary of some part of the public authority, or by deputation or correspondence, the guilty are punished by imprisonment from one month to six month.

They may, in addition, be struck by the prohibition of one or more of the rights mentioned in article 40, and to exercise any public function or employment for ten years at most.

Section 234

When measures against the execution of the laws or orders of the Government have been concerted by one of the means set out in the preceding article, the culprits are punished by forced residence for a period not exceeding ten years.

When these measures have been concerted between the civil authorities and the military bodies or their leaders, those who have provoked them are punished by imprisonment from five to ten years, the other culprits are punished by compulsory residence for a period not exceeding ten years.

Section 235

In the event that the concerted measures between the civil authorities and the military bodies or their commanders have had as their object or result

attack the internal security of the State, the provocateurs are punished by death and the other culprits by life imprisonment.

Section 236

All magistrates and public officials who have, by deliberation, decided to resign with the aim of preventing or suspending either the administration of justice or the operation of a public service, are punished with civic degradation.

SECTION II INFRINGEMENT BY AUTHORITIES

ADMINISTRATIVE AND JUDICIAL AND DENIAL OF JUSTICE

(Sections 237 to 240)

Section 237

Are punished with civic degradation, all magistrates or police officers who:

1°

Have interfered in the exercise of legislative power, either by enacting regulations containing legislative provisions, or by stopping or suspending the execution of one or several laws;

2° Have interfered in the matters attributed to the authorities administrative, either by enacting regulations on these matters, or by prohibiting the execution of the orders of the administration.

Section 238

All governors, pashas, super-caïds, caïds or other administrators who interfere, either in the exercise of legislative power by issuing regulations containing legislative provisions, or by stopping or suspending the execution of one or more laws, either in the exercise of judicial power by intimating orders or defenses to courts or tribunals, are punished with civic degradation.

Section 239

All governors, pashas, super-caïds, caïds or other administrators who, except in the cases provided for by law and despite the protest of the parties or one of them, have ruled on matters within the jurisdiction of the courts or tribunals, are punishable by imprisonment of one month to two years and a fine of 50 to 500 dirhams.

Section 240

Any magistrate or any public official vested with jurisdictional powers who, under any pretext whatsoever, even of the silence or the obscurity of the law, has refused to render the justice which he owes to the parties after having been required to do so and who has persevered in his denial, after warning or injunction from his superiors, may be prosecuted and punished by a fine of 250 dirhams at least and 2,500 dirhams at most and a ban on the exercise of public functions for a period from one to ten years.

SECTION III MISAPPROPRIATION AND CONCUSSIONS COMMITTED BY PUBLIC OFFICIALS⁶⁹

(Sections 241 to 247)

Item 24170

Any magistrate, any public official who embezzles, dissipates, unduly withholds or subtracts public or private funds, effects in lieu thereof or documents, titles, deeds, movable effects which were in his hands, either by virtue or by reason of his duties, is punished by imprisonment from five to twenty years and a fine of 5,000 to 100,000 dirhams.

If the things diverted, dissipated, withheld or subtracted are of a value less than 100,000 dirhams, the culprit is punished by imprisonment for two to five years and a fine of 2,555 to 50,000 dirhams.

69 - Article 260-1 of the law on criminal procedure provides: "By way of derogation from the rules of jurisdiction provided for in this section, the financial crimes sections of the courts of appeal, whose jurisdiction is fixed and delimited by decree, are competent to know the crimes provided for by articles 241 to 256 of the penal code as well as indivisible or related offences". Law No. 36-10 amending and supplementing Law No. 22-01 on criminal procedure promulgated by Dahir No. 1-11-150 of Ramadan 16, 1432 (August 17, 2011), Official Bulletin No. 5978 of Chaoual 16 1432 (15 September 2011), p. 2078.

- See the table annexed to decree n° 2-11-445 of 7 hija 1432 (4 November 2011) fixing the number of courts of appeal within which the sections of financial crimes have been created, and designation of their jurisdiction, Official Bulletin n° 5995 (in Arabic) of 17 hija 1432 (14 November 2011), p. 5415.

Courts of Appeal within which the Rabat Casablanca sections	Jurisdictions of the Courts of Appeal
have	Rabat – Kenitra – Tangier - Tetouan
been established	Casablanca – Settat - El-Jadida – Khouribga - Beni Mellal
Fes	Fez – Meknes – Errachidia – Taza – Al Hoceima-Nador-Oujda
Marrakesh	Marrakech – Safi – Ouarzazate – Agadir - Laayoune

70 - Article amended by Article 1 of Law No. 79-03 amending and supplementing the Penal Code and abolishing the Special Court of Justice promulgated by Dahir No. 1-04-129 of 29 Rejeb 1425 (September 15, 2004) , Official Bulletin n° 5248 of the 1st Chaabane 1425 (September 16, 2004), p. 1968.

Section 242

Any magistrate, any public official who, with intent to harm or fraudulently, destroys or removes the documents, titles, deeds or movable effects, of which he was the depositary in this capacity or which were communicated to him by reason of his functions, is punishable by imprisonment of five to ten years.

Item 24371

Any magistrate or public official who solicits, receives, demands or orders to collect what he knows is not due , or exceed what is due, either to the administration, or to the parties on whose behalf he collects, or to himself.

The penalty is doubled when the sum exceeds 100,000 dirhams.

Section 244

Shall be punished with the penalties provided for in the preceding article, any holder of public authority who orders the collection of direct or indirect contributions other than those provided for by law, as well as any public official who establishes the rolls or collects them. .

The same penalties are applicable to holders of public authority or public officials who, in any form and for any reason whatsoever, grant, without legal authorization, exemptions or exemptions from duties, taxes or public taxes, or deliver products from state establishments free of charge; the beneficiary is punished as an accomplice.

Item 24572

Any public official who, either openly, or by feigned deed, or by interposition of a person, takes or receives any interest in the deeds, adjudications, undertakings or rules of which he has, at the time of the deed, in whole or in part, administration or supervision, is punishable by imprisonment of five to ten years and a fine of 5,000 to 100,000 dirhams.

71 - Article amended and supplemented by article 2 of the aforementioned law n° 79-03.

72 - Ibid.

The same penalty is applicable to any public official who takes any interest whatsoever in a matter for which he is responsible for ordering payment or liquidating.

When the interest obtained is less than 100,000 dirhams, the culprit is punished by one to five years' imprisonment and a fine of 2,555 to 50,000 dirhams.

Section 246

The provisions of the preceding article apply to any public official, for a period of five years from the termination of his duties, regardless of the manner in which it occurred, unless the interest accrues to him by devolution. hereditary.

Item 24773

In the event that, by virtue of one of the articles of this section, only a criminal penalty is incurred, the culprit may, in addition, be struck for at least five years and at most ten years by the prohibition of a or more of the rights mentioned in article 40 of this code; he may also be prohibited from exercising any public function or employment for a maximum of ten years.

In the event of conviction in accordance with the 1st paragraph of article 241 and the first and 2nd paragraphs of article 245 above, the partial or total confiscation for the benefit of the State, of funds, transferable securities, property and income obtained through the offence, must be pronounced regardless of who holds them or benefits from them.

The confiscation provided for in the 2nd paragraph of this article extends to everything obtained by means of the offenses set out in articles 242, 243, 244 and 245 of this code, regardless of the person who holds it or who has benefited from it.

73 - Ibid.

SECTION IV CORRUPTION AND INFLUENCE PEDAGLING74

(Items 248 to 256)

Item 24875

Is guilty of corruption and punished by imprisonment of two to five years and a fine of 2,000 to 50,000 dirhams whoever solicits or accepts offers or promises, solicits or receives donations, presents or other advantages, for:

1° Being a magistrate, public official or being vested with an elective mandate, performing or refraining from performing an act of his office, whether fair or not, but not subject to remuneration or an act which, although outside his personal attributions, is, or could have been facilitated by his function;

2° Being an arbitrator or expert appointed either by the administrative or judicial authority, or by the parties, to render a decision or give a favorable or unfavorable opinion;

3° Being a magistrate, assessor-juror or member of a court, deciding either in favor or against a party; 4° Being a doctor,

surgeon, dentist, midwife, falsely certifying or concealing the existence of illnesses or infirmities or a state of pregnancy or providing false information on the origin of an illness or infirmity or the cause of 'a death.

When the sum exceeds 100,000 dirhams, the penalty is five to ten years' imprisonment and a fine of 5,555 to 155,555 dirhams.

Item 24976

Is guilty of corruption and punished by imprisonment of one to three years and a fine of 5,000 to 50,000 dirhams, any clerk, employee or employee salaried or remunerated in any form whatsoever, who, either directly or through an intermediary , has, without the knowledge and without the consent of his boss, either solicited or accepted offers or promises, or solicited or received gifts, presents, commissions, discounts or bonuses to do or abstain from doing an act of his

74 - See note corresponding to section 3 above 75 -

Article amended and supplemented by article 1 of law n° 79-03 mentioned above.

76 - Ibid.

employment, or an act which, although outside his personal attributions is, or could have been facilitated by his employment.

Section 250

Any person who solicits or accepts offers or promises, solicits or receives donations, presents or other advantages, to obtain or attempt to obtain decorations, medals, distinctions or rewards, places, functions or jobs or any favors granted by the public authority, contracts, companies or other benefits resulting from treaties concluded with the public authority or with an administration placed under the control of public power or, in general, a favorable decision of such an authority or administration, and thus abuses a real or supposed influence.

If the culprit is a magistrate, public official or vested with an elective mandate, the penalties provided for are doubled.

Section 251

Anyone who, in order to obtain either the performance or abstention from an act, or one of the favors or advantages provided for in articles 248 to 250, has used assault or threats, promises, offers, gifts or presents, or other benefits, or yielded to solicitations tending to corruption, even if he did not take the initiative, is, whether or not the coercion or corruption has produced its effect, punishable by the same penalties as those provided for in the said articles against the corrupt person.

Section 252

In the event that the purpose of the corruption or influence peddling is the accomplishment of an act qualified as a crime by law, the penalty for this crime is applicable to the person guilty of the corruption or influence peddling.

Section 253

When the corruption of a magistrate, an assessor-juror or a member of a court has resulted in the imposition of a sentence

criminal against an accused, this penalty is applicable to the culprit of the corruption.

Section 254

Any judge or administrator who decides by favor for a party or by enmity against it, is punished by imprisonment of six months to three years and a fine of 5,000 to 50,000 dirhams⁷⁸.

Section 255

There is never restitution made to the corrupter of the things he has delivered or of their value; they must be confiscated and declared acquired by the Treasury by judgment, with the exception of the case provided for in article 256 – 1 above.

Confiscation extends to everything obtained by means of the offenses provided for in articles 248, 249 and 250 of this code, regardless of the person who holds it or who has benefited from it⁷⁹.

Section 256

In the event that, by virtue of one of the articles of this section, only a criminal penalty is incurred, the culprit may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 of this code; he may also be prohibited from exercising any public function or employment for a maximum of ten years.

Sections 256–180

Benefits from an absolute excuse, the briber, within the meaning of article 251 of the present law, who denounces to the judicial authorities an offense of corruption, when the denunciation took place before following up on the request presented to him at this effect, or if he establishes in the case where he followed up on the request for corruption that it was the official who obliged him to pay it.

78 - Ibid.

79 - Article modified and supplemented by article 2 of the aforementioned law n° 79-03.

80 - Article amended and supplemented by Article 3 of Law No. 79-03 mentioned above.

SECTION V ABUSE OF AUTHORITY COMMITTED BY OFFICIALS AGAINST PUBLIC ORDER

(Items 257 to 260)

Section 257

Any magistrate or public official who requires or orders, causes to be required or ordered the action or the use of public force against the execution of a law or against the collection of a legally established contribution or against the execution either of A court order or mandate, or any other order issued by the legitimate authority, is punishable by imprisonment from one to five years.

The culprit may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40; he may also be prohibited from exercising any public function or employment for a maximum of ten years.

Section 258

When the magistrate or the civil servant justifies having acted by order of his hierarchical superiors in an area of their competence, for which he owed them obedience, he benefits from an absolutionary excuse. In this case, the penalty is applied only to the superiors who gave the order.

Section 259

If the orders or requisitions were the direct cause of an act qualified as a crime by law, the penalty for this crime is applicable to the person guilty of the abuse of authority.

Section 260

Any commander, officer or non-commissioned officer of the public force who, after having been legally required by the civil authority, has refused or refrained from having the force placed under his orders act, is punished by the imprisonment of one to six months.

SECTION VI EXERCISE OF PUBLIC AUTHORITY ILLEGALLY ANTICIPATED OR EXTENDED

(Sections 261 and 262)

Section 261

Any magistrate or any public official bound by a professional oath who, except in cases of necessity, begins to exercise his functions without having taken the oath, is punished by a fine of 20,081 to 500 dirhams .

Section 262

Any magistrate, any public official dismissed, dismissed, suspended or legally prohibited who, after having received official notice of the decision concerning him, continues the exercise of his functions, is punished by imprisonment from six months to two years and by a fine of 200 to 1,000 dirhams.

Any elective or temporary public official who continues to exercise his functions after their legal cessation is punished with the same penalties.

The culprit may also be prohibited from practicing all functions or public employment for a maximum of ten years.

SECTION VII: BREACH OF THE OBLIGATION TO DECLARATION OF HERITAGE⁸¹

Article 262a

Without prejudice to more serious penal provisions, any person subject by reason of his functions or of an elective mandate to the obligation of declaration of assets who has not proceeded within the legal deadlines to

81 - see supra note corresponding to article 111.

82 - Section added by the single article of law n° 48-07 supplementing chapter III of title I of book III of dahir n° 1-59-413 of 28 jourmada II 1382 (26 November 1962) approving the code penal, promulgated by dahir n° 1-08-68 of 20 chaoual 1429 (20 October 2008), Official Bulletin n° 5680 of 7 kaada 1429 (6 November 2008), p. 1365.

this declaration after termination of his duties or expiry of his mandate or whose declaration is not in conformity or incomplete is punished by a fine of 3,555 to 15,555 dirhams.

In addition, the person concerned may be sentenced to a ban on exercising public functions or standing for election for a period not exceeding six years.

CHAPTER IV CRIMES AND OFFENSES COMMITTED BY INDIVIDUALS AGAINST PUBLIC ORDER

(Items 263 to 292)

SECTION I OUTRAGES AND VIOLENCE TO PUBLIC OFFICIALS

(Sections 263 to 267)

Section 263

Is punished by imprisonment of one month to one year and a fine of 250 to 5,000 dirhams, whoever, with the intention of undermining their honor, their delicacy or the respect due to their authority, insults in the exercise of their functions or on the occasion of this exercise, a magistrate, a public official, a commander or agent of the public force, either by words, gestures, threats, sending or delivery of any object, either in writing or drawing not made public.

When the contempt of one or more magistrates or juror assessors is committed at the hearing of a court or tribunal, the imprisonment is from one to two years.

In all cases, the trial court may, in addition, order that its decision be displayed and published under the conditions it determines, at the expense of the convicted person, without these costs exceeding the maximum fine provided for herein. above.

Section 264

Is considered as contempt and punished as such, the fact by a person to denounce to the public authorities an offense which he knows did not exist or to produce false evidence relating to an imaginary offense, or to declare before the judicial authority to be

the author of an offense which he neither committed nor contributed to commit.

Section 265

Contempt of constituted bodies is punished in accordance with the provisions of article 263, paragraphs 1 and 3.

Section 266

The penalties laid down in paragraphs 1 and 3 of article 263 are punishable: 1° Public acts, words or writings which, as long as a case has not been irrevocably judged, are intended to put pressure on the decisions of the magistrates ;

2° Public acts, words or writings which tend to discredit judicial decisions and which are likely to undermine the authority of justice or its independence.

Section 267

Is punished by imprisonment from three months to two years, anyone who commits violence or assaults against a magistrate, a public official, a commander or agent of the public force in the exercise of his functions or on the occasion of this exercise.

When the violence results in bloodshed, injury or disease, or takes place either with premeditation or ambush, or against a magistrate or an assessor-juror at the hearing of a court or tribunal, imprisonment is two to five years.

When the violence leads to mutilation, amputation, deprivation of the use of a limb, blindness, loss of eyesight or other permanent infirmity, the penalty incurred is imprisonment for ten to twenty years.

When the violence leads to death, without the intention of the give, the penalty incurred is imprisonment for twenty to thirty years.

When the violence results in death, with the intention of causing it, the penalty incurred is death.

The culprit, sentenced to imprisonment, may also be subject to a residence ban for a period of two to five years.

SECTION I BIS CONFLICT OF THE EMBLEM AND SYMBOLS OF THE KINGDOM⁸³

Article 267-1

Is punished by imprisonment of six months to three years and a fine of 10,000 to 100,000 dirhams whoever insults, by one of the means referred to in article 263 above or by any other means whatsoever, the emblem and symbols of the Kingdom, as provided for in article 267-4 below.

When the contempt is committed in a meeting or gathering, the penalty incurred is imprisonment for one to five years and a fine of 10,000 to 100,000 dirhams.

The attempt is liable to the same penalties.

The culprits may, in addition, be struck for at least one year and at most ten years, by the prohibition to exercise one or more of the rights referred to in article 40 of this Code. They may also be subject to a residence ban for a period of two to ten years.

Section 267-2

Is liable to imprisonment for "three months to one year and a fine of 20,000 to 200,000 dirhams" whoever advocates contempt of the emblem and symbols of the Kingdom, or incites to commit such acts. by speeches, cries or threats uttered in public places or meetings, or by writings, printed matter sold, distributed or offered for sale or exhibited in public places or meetings, or by posters exposed to public view by the various audiovisual and electronic means of information.

Section 267-3

Are punished with a fine of 50,000 to 500,000 dirhams any use, without authorization of the administration, of the emblem of the Kingdom

83 - Section added by the sole article of Law No. 17-05 repressing insult to the emblem and symbols of the Kingdom, promulgated by Dahir No. 1-05-185 of 18 kaada 1426 (December 20, 2005), Official Bulletin n° 5384 of 4 hija 1426 (January 5, 2006), p 4.

a registered or unregistered trademark, as well as the possession for commercial or industrial purposes, the offering for sale or the sale of products of any kind whatsoever, bearing as a trademark, trademark or service a reproduction of the emblem of the Kingdom, the use of which has not been authorised.

In case of recidivism, the amount of the fine is doubled.

A repeat offender is any person who commits an offense of identical qualification within 5 years of the date on which a first conviction became irrevocable.

Section 267-4

For the purposes of this section, are considered as emblem and symbols of the Kingdom:

- the Currency of the Kingdom, as provided for in article 7 of the Constitution⁸⁴ ;
- the Flag of the Kingdom and the National Anthem as fixed by dahir 85;
- the Coat of Arms of the Kingdom, as defined by dahir n° 1-00-284 of 19 rejab 1421 (17 October 2000)⁸⁶;

84 - This article currently corresponds to article 4 of the new constitution, dahir n° 1-11-91 of 27 chaabane 1432 (29 July 2011) promulgating the text of the Constitution, official bulletin n° 5964 bis of 28 chaabane 1432 (July 30, 2011), p. 1902.

85 - Article 1 of Dahir no. 1-05-99 of 20 chaoual 1426 (November 23, 2005) relating to the characteristics of the Kingdom's emblem and the national anthem (Official Bulletin no. 5378, December 15, 2005, p.

834) provides: "In accordance with article 7 of the constitution, the emblem of the Kingdom is the red flag struck in its center by a green five-pointed star.

The flag is made of so-called "colourfast" canvas, bright red, opaque and rectangular in shape.

The Star is open, palm green in color, made up of five continuous branches and woven into the material. It is visible on both sides of the flag, one of its points is directed upwards.

The luff of the flag is two-thirds (2/3) the length of its flapper.

The star is arranged in an inconspicuous circle whose radius is equal to 1/6 of the flag leaf and the center is the point of intersection of the inconspicuous diagonal lines of the flag rectangle.

The width of each of the branches of the Star represents the twentieth (1/20) of its length".

- the Orders of the Kingdom, as defined by dahir n° 1-00-218 of the 2 rabii I 1421 (June 5, 2000).

SECTION II OFFENSES RELATING TO GRAVES AND IN RESPECT OF THE DEAD

(Sections 268 to 272)

Section 268

Anyone who destroys, damages or defiles the graves by any means whatsoever, is punished by imprisonment of six months to two years and a fine of 20,087 to 500 dirhams.

Section 269

Anyone who, in cemeteries or other burial places, commits an act undermining the respect due to the dead is punished by imprisonment of one to three months and a fine of 20,088 to 250 dirhams .

Section 270

Anyone who violates a tomb, buries or exhumes a corpse clandestinely⁸⁹, is punished by imprisonment from three months to two years and a fine of 20,090 to 500 dirhams.

86 – Article 1 of dahir 1-00-284 of 19 rejab 1421 (17 October 2000) relating to the coat of arms of the Kingdom (Official Bulletin n° 4844 of 5 chaabane 1421 (12 November 2000), p. 927) provides

that: "The Arms of Our Kingdom are defined as follows:
Gules, in chief a half moving sun, 15 rays Or on a ground Azure, supported by a fess in divide vaulted Vert, tapered Or and Argent, the whole overlaid with a mullet (pentalpha) Vert. The shield stamped with the Royal Moroccan Crown of gold, adorned with alternating gules and vert pearls, it is lined with gold lambrequins supported by 2 cornucopias and supported by 2 lions proper: the one on the dexter is in profile and the one with leopardized sinister. The shield has a gold listel with the Koranic verse: »يَعْلَمُ يَعْلَمُ يَعْلَمُ يَعْلَمُ يَعْلَمُ«. 87 - see supra note corresponding to article 111.

88 - Ibid.

89 - See Dahir No. 986-68 of Chaabane 19, 1389 (October 31, 1969) relating to burials, exhumations and transport of bodies, Official Bulletin No. 2981 of December 17, 1969, p. 1544. 90 - cf. supra note corresponding to article 111.

Section 271

Anyone who defiles or mutilates a corpse or commits on a corpse any act of brutality or obscenity, is punished by imprisonment of two to five years and a fine of 20091 to 500 dirhams .

Section 272

Anyone who conceals or causes a corpse to disappear is punished by imprisonment of six months to three years and a fine of 20,092 to 250 dirhams.

If the body is that of a person who was the victim of a homicide, or died as a result of assault and battery, the penalty is imprisonment for two to five years and a fine of 20093 to 1,000 dirhams .

SECTION III BREAKAGE OF SEALS AND REMOVAL OF PARTS IN PUBLIC DEPOSITS

(Sections 273 to 277)

Section 273

Anyone who knowingly breaks, or attempts to break, seals affixed by order of the public authority shall be punished by imprisonment from six months to three years.

When the breaking of seals, or the attempt, has been committed either by the guard, or with violence towards people, or to remove or destroy evidence or exhibits⁹⁴ of a criminal proceeding, imprisonment is two to five years.

Section 274

Any theft committed with breaking of seals is punished as theft committed with burglary under the conditions provided for in article 510.

91 - Ibid.

92 - Ibid.

93 - Ibid.

94 - Compare with the version of paragraph 2 of the aforementioned article 273 in Arabic.

Section 275

The guard is punished by imprisonment from one to six months, when the breaking of the seals has been facilitated by his negligence.

Section 276

Any person who knowingly damages, destroys, misappropriates or removes papers, registers, deeds or effects, kept in archives, registries or public deposits, or handed over to a public depositary in this capacity, shall be punished with imprisonment from five to ten years. .

When the deterioration, destruction, misappropriation or removal has been committed, either by the public depositary, or with violence against persons, the prison term is ten to twenty years.

Section 277

The public depositary is punished by imprisonment from three months to one year, when the deterioration, destruction, misappropriation or removal has been facilitated by his negligence.

SECTION IV CRIMES AND OFFENSES BY SUPPLIERS OF ROYAL ARMED FORCES

(Items 278 to 281)

Section 278

Any person charged either individually or as a member of a company, with supplies, undertakings or governed on behalf of the Royal Armed Forces who, without having been forced to do so by force majeure, caused the service for which he was responsible to be missed , is punishable by imprisonment of five to ten years, and a fine which may not exceed a quarter of the damages, nor be less than 1,000 dirhams.

The same penalties apply to the agents of the suppliers if the non-performance of the service comes from their fault.

The public officials who provoked or aided the culprits in miss the service, are punished by imprisonment from ten to twenty years.

In the case of intelligence with the enemy, the provisions of article 184 are applied.

Section 279

Although the service has not failed, if by negligence, deliveries and works have been delayed, the culprits are punished by imprisonment of six months to three years and a fine which may not exceed one quarter of the damages. interest, nor be less than 200 dirhams⁹⁵.

Section 280

If there has been fraud on the nature, quality or quantity of the work, or manpower, or things supplied, the culprits are punished by imprisonment for two to five years and a fine which cannot exceed a quarter of the damages, nor be less than 1,000 dirhams.

The prison sentence provided for in the preceding paragraph is doubled for public officials who participated in the fraud; these civil servants may, in addition, be prohibited from exercising any public function or employment for a maximum of ten years.

Section 281

In the various cases provided for in this section, the prosecution shall not may be instituted only upon complaint by the Minister of National Defence.

SECTION V OFFENSES OF THE REGULATIONS OF GAMING HOUSES, LOTTERIES AND LOAN HOUSES ON PLEDGES

(Items 282 to 286)

Section 282

Are punished by imprisonment from three months to one year and a fine of one thousand two hundred to one hundred thousand dirhams those who, without authorization from the public authority:

1° run a gambling house and admit the public to it, either freely or on the presentation of affiliates, touts or

95 - see supra note corresponding to article 111.

people interested in the operation. The same applies to bankers, administrators, servants or agents of this house;

2° install on the road and in public places, in particular in drinking places, devices dispensing money, consumer tokens and, in general, devices whose operation is based on skill or chance and which are intended to provide gain or consumption in return for a stake.

The penalties are doubled when children under eighteen years of age are lured to the places referred to in this article⁹⁶.

The culprits may, in addition, be struck for a period of two to five years by the prohibition of one or more of the rights mentioned in article 45 and by the prohibition of residence.

The confiscation of funds or effects exposed as stakes, of those seized in the cash registers of the establishment or found on the person of the tenants and their agents, as well as of all furniture or movable objects with which the premises are furnished or decorated and equipment intended or used in the service of the games⁹⁷.

Section 283

The penalties and security measures enacted in the preceding article are applicable to the authors, organizers, administrators, employees or agents of lotteries not authorized by the public authority.

The confiscation of an immovable subject to a lottery is replaced by a fine which may amount to the estimated value of this building.

Section 284

Are considered lotteries all operations offered to the public under any name whatsoever and intended to give rise to the hope of a gain which would be acquired by the way of fate.

96 - Paragraph added by article two of law n° 24-03 modifying and supplementing the aforementioned penal code.

97 - Article amended and supplemented by the dahir laying down law n° 1-77-58 of chaoual 5, 1397 (September 19, 1977) supplementing article 282 of the penal code and repealing the dahir of chaoual 23, 1358 (December 27, 1937), Bulletin official n° 3388 of 21 chaoual 1397 (October 5, 1977), p 1076, as well as by article two of law n° 24-03 amending and supplementing the penal code, cited above.

Section 285

Those who peddle , sell or distribute unauthorized lottery tickets and those who, through notices, advertisements, posters or any other means of publicity, make known the existence of these lotteries, or facilitate the issue of their tickets.

The confiscation of sums found in the possession of peddlers, sellers or distributors, and coming from the sale of these tickets, must be pronounced.

Section 286

Anyone who, without the authorization of the public authority, establishes or maintains a pawnshop or collateral, is punished by imprisonment of one to six months and a fine of 20,099 to 5,000 dirhams.

SECTION VI OFFENSES RELATING TO INDUSTRY , TRADE AND PUBLIC AUCTIONS

(Items 287 to 292)

Section 287

Any violation of the regulations relating to products intended for export and which aims to guarantee their good quality, their nature and their dimensions, is punishable by a fine of 200,100 to 5,000 dirhams and the confiscation of the goods .

Section 288

Is punished by imprisonment of one month to two years and a fine of 200101 to 5,000 dirhams or one of these two penalties only, whoever, using violence, assault, threats or maneuvers fraudulent, brought about or maintained, attempted to bring about or maintained, a concerted cessation of work, with the aim of forcing the

98 - see supra note corresponding to article 111.

99 - Ibid.

100 - Ibid.

101 - Ibid.

increase or decrease in wages or to interfere with the free exercise of industry or labour.

When the violence, assault, threats or maneuvers were committed as a result of a concerted plan, the culprits may be subject to a residence ban for a period of two to five years.

Item 292102

Is guilty of obstructing the freedom of bidding and punished by imprisonment of one to three months and a fine of 200103 to 50,000 dirhams anyone in the auctions of ownership, usufruct or rental of property real estate or movables, of a company, of a supply, of an operation or of any service whatsoever, obstructs or disturbs, attempts to hinder or disturb the freedom of auctions or tenders, by assault, violence or threats, either before or during the auction or tender.

Are punished with the same penalties those who, either by gifts, or by promises, or by agreements or fraudulent maneuvers, exclude or attempt to exclude bidders, limit or attempt to limit the

102 - The provisions of articles 289, 290 and 291 of the penal code were repealed by article 101 of law n° 06-99 on freedom of prices and competition promulgated by dahir n° 1-00-225 of the 2 rabii I 1421 (June 5, 2000), Official Bulletin n° 4810 of 3 rabii II 1421 (July 6, 2000), p. 645.

The provisions contained in Articles 289, 290 and 291 referred to above have been inserted into Articles 68 and 69 of Law No. 06-99 on freedom of prices and competition as follows: Article 68: Shall be punished **by** imprisonment from two (2) months to two (2) years and a fine of 10,000 to 500,000 dirhams or only one of these two penalties the fact, by disseminating, by any means whatsoever, false or slanderous information , by throwing on the market offers intended to disturb prices or overbids made at the prices requested by the sellers, or by using any other fraudulent means, to operate or attempt to operate the artificial increase or decrease in the price of goods or services or public or private effects. When the artificial price increase or decrease concerns foodstuffs, grains, flour, floury substances, beverages, pharmaceutical products, commercial fuels or fertilizers, the imprisonment is from one (1) to three (3) years and the maximum fine is 800,000 dirhams.

Imprisonment may be increased to five (5) years and the fine to 1,000,000 dirhams if the speculation relates to foodstuffs or goods not falling within the usual exercise of the offender's profession.

Article 69 : In all the cases provided for in articles 67 and 68 above, the culprit may be struck, independently of the application of article 87 of the penal code, by the prohibition of one or more of the rights mentioned. in article 40 of the same code. 103 - see supra note corresponding to article 111.

auctions or tenders, as well as those who receive these gifts or accept these promises.

CHAPTER V CRIMES AND OFFENSES AGAINST PUBLIC SECURITY

(Sections 293 to 333)

SECTION I ASSOCIATION OF CRIMES AND ASSISTANCE TO CRIMINALS

(Items 293 to 299)

Section 293

Any association or agreement, regardless of its duration and the number of its members, formed or established for the purpose of preparing or committing crimes against persons or property, constitutes the crime of criminal association which exists by the sole fact of the resolution to act adopted in common.

Section 294

Is punished by imprisonment of five to ten years, any individual part of the association or agreement defined in the preceding article.

Reclusion is ten to twenty years for the leaders of the association or the cartel or for those who exercised any command there.

Section 295

Apart from the cases of complicity provided for in article 129, anyone who knowingly and voluntarily provides members of the association or agreement with either arms, ammunition or instruments of crime, either monetary contributions, means of subsistence, correspondence or transportation, or a place of meeting, lodging or retirement or which helps them to dispose of the proceeds of their misdeeds, or which, in any other way, assists.

However, the trial court may exempt relatives or relatives up to and including the fourth degree from the penalty.

of one of the members of the association or arrangement, when they have only provided the latter with accommodation or personal means of subsistence.

Section 296

Benefits from an absolutionary excuse, under the conditions provided for in Articles 143 to 145, that of the culprits who, before any attempt at a crime forming the subject of the association or the agreement and before any prosecution commenced, has, the first , revealed to the authorities the agreement established or the existence of the association.

Section 297

Those who, apart from the cases provided for in articles 129, 4°, 196 and 295, have voluntarily concealed a person knowing that he has committed a crime or that he is wanted for this fact by the courts, or who, knowingly , have evaded or attempted to evade the criminal from arrest or research or have helped him to hide or to flee, are punished by imprisonment from one month to two years and a fine of 200104 1,000 dirhams or only one of these two penalties.

Are excepted from the provisions of the preceding paragraph, parents and allies of the criminal up to the fourth degree inclusive.

Section 298

The persons designated in the preceding article benefit from an absolutionary excuse, under the conditions provided for in Articles 143 to 145, when the concealed or assisted person is subsequently recognized as innocent.

Section 299

Except in the case provided for in article 209, is punished by imprisonment of one month to two years and a fine of 200105 to 1,000 dirhams or one of these two penalties only, whoever, having knowledge of a crime already attempted or committed, did not immediately notify the authorities.

The penalties are doubled when the victim of the crime or the victim of the attempted crime is a child under the age of eighteen.

104 - Ibid.

105 - Ibid.

Are excepted from the provisions of the preceding paragraphs the parents and allies of the criminal up to the fourth degree inclusively, except with regard to crimes committed or attempted on minors under eighteen years of age¹⁰⁶.

SECTION II OF THE REBELLION

(Items 300 to 308)

Section 300

Any attack or resistance practiced with violence or assault against officials or representatives of the public authority acting for the execution of orders or orders emanating from this authority, or laws, regulations, judicial decisions, judicial warrants, constitutes rebellion.

Threats of violence are equated with the violence itself.

Section 301

Rebellion committed by one or two people is punishable by imprisonment of one month to one year and a fine of 60 to 100 dirhams¹⁰⁷.

If the culprit or one of them was armed, the imprisonment is from three months to two years and the fine from 200¹⁰⁸ to 500 dirhams.

Section 302

Rebellion committed in a meeting of more than two people is punishable by imprisonment of one to three years and a fine of 200¹⁰⁹ to 1,000 dirhams.

106 - Article supplemented by article two of law n° 24-03 amending and supplementing the penal code, cited above.

107 - After the minimum of criminal fines had been increased to 200 dirhams by article 2 of law n° 3-80 amending certain provisions of the aforementioned penal code, the minimum of the fine provided for by this article became higher than the maximum. And it is for this reason that the amount of the fine, in this specific case, cannot be less than the minimum. 108 - see supra note corresponding to article 111.

109 - Ibid.

The penalty is imprisonment for two to five years and a fine of 200,110 to 1,000 dirhams if in the meeting more than two individuals were carrying apparent weapons.

The penalty enacted in the preceding paragraph is individually applicable to anyone found with a concealed weapon.

Section 303

Are considered as weapons for the application of this code, all firearms, all explosives¹¹¹, all devices, instruments or piercing, blunt, sharp or suffocating objects¹¹².

Section 303a

Without prejudice to the penalties provided for in the event of infringement of the legislation relating to weapons, ammunition and explosive devices, is punished by imprisonment of one month to one year and a fine of 1,200 to 5,000 dirhams or one of these two penalties only, anyone who has been arrested, in circumstances constituting a threat to public order, to the safety of persons or property, while carrying a piercing, blunt or sharp device, instrument or object or suffocating, if wearing is not justified by the professional activity of the wearer or by a legitimate reason¹¹³.

110 - Ibid.

111 - See concerning firearms and explosives: - Dahir of Moharrem 18, 1356 (March 31, 1937) regulating the import, trade, port, possession and storage, in the French zone of the Cherifian Empire, of weapons and their ammunition, Official Bulletin n° 1276 of April 9, 1937, p. 476; - Dahir No. 1-58-286 of 17 Safar 1378 (September 2, 1958) on the repression of violations of the legislation relating to weapons, ammunition and explosive devices, Official Bulletin No. 2393 of September 5, 1958, p. 1434; - Dahir of 24 jounada I 1373 (January 30, 1954) relating to the control of explosives, Official Bulletin n° 2154 of February 5, 1954.

112 - Article amended and supplemented by article 1 of law n° 38-00 modifying and supplementing the penal code promulgated by dahir n° 1-01-02 of 21 kaada 1421 (February 15, 2001), Official Bulletin n° 4882 of 19 hijja 1421 (15 March 2001), p. 341.

113 - Article added by article 2 of law n° 38-00 amending and supplementing the penal code, cited above.

Section 304

Is punished as co-author of the rebellion, whoever provoked it, either by speeches held in public places or meetings, or by placards, posters, leaflets or writings.

Section 305

The provocateurs as well as the leaders of the rebellion may, in addition to the penalties provided for in the preceding articles, be prohibited from staying for at least five years and at most ten years.

Section 306

No penalty is pronounced for acts of rebellion against the rebels who, having taken part in the meeting, without fulfilling any employment or function, withdrew at the first warning from the public authority.

Section 307

When the rebellion is the act of one or more defendants, accused or convicted by a non-irrevocable decision, already detained for another offence, the sentence imposed for this rebellion is combined, by way of derogation from article 120, with any temporary custodial sentence. released for that other offence.

In the event of dismissal, acquittal or absolution for this last offence, the duration of the preventive detention suffered on this account is not deducted from the sentence pronounced for rebellion.

Section 308

Anyone who, by assault, opposes the execution of work ordered or authorized by the public authority is punished by imprisonment of two to six months and a fine which may not exceed one quarter of the damages. interest, nor be less than 200 dirhams¹¹⁴ .

Those who, by crowds, threats or violence, oppose the execution of these works are punished by imprisonment of three months to two years and the fine provided for in the preceding paragraph.

114 - see supra note corresponding to article 111.

**SECTION II BIS VIOLENCE COMMITTED WHEN OR AT
THE OCCASION OF COMPETITIONS OR EVENTS
SPORTS115**

Section 308-1

Without prejudice to more serious criminal provisions, anyone who participates in acts of violence during or on the occasion of competitions or sporting or of their broadcast in public, during which acts resulting in death were committed, under the conditions provided for in article 453 of this code.

However, the instigators and provocateurs of the facts mentioned in the paragraph above are punished by the penalties provided for in article 453 of this code.

Section 308-2

Without prejudice to more serious penal provisions, anyone who participates in acts of violence during or on the occasion of competitions or sporting events or their broadcast in public, during which he is beaten or injured or any other violence or assault.

However, the instigators and instigators of the facts, mentioned in the paragraph above are punished by the penalties provided for by this code to repress the facts constituting offenses of assault and battery or any other violence or assault.

Section 308-3

Without prejudice to more serious penal provisions, anyone who participates in acts of violence during or on the occasion of competitions or

115 - Section added by Article 1 of Law No. 09-09 supplementing the Penal Code promulgated by Dahir No. 1-11-38 of 29 Jourmada II 1432 (June 2, 2011), Official Bulletin No. 5956 bis of 27 rejab 1432 (June 30, 2011), p 1773.

sporting events or their broadcast in public, during which damage was caused to the immovable or movable property of others.

However, the penalty is doubled for the instigators and provocateurs of the facts mentioned in the preceding paragraph.

Section 308-4

The provisions of articles 308-1, 308-2 and 308-3 are applicable to acts of violence committed during or on the occasion of competitions or sporting events or their retransmission on the public highway, public places or in the means public transport, stations or in any other public place, whether committed before, after or at the same time as the running of the competition, the event or their broadcast.

Section 308-5

Without prejudice to the more serious penal provisions, anyone who incites during or on the occasion of competitions or sporting events or their broadcasting in public, by speeches, cries, appeals, slogans, banners, images, statues, sculptures or by any other means, to racial discrimination or hatred towards a or more people because of their national or social origin, color, sex, family situation, state of health, disability, political opinion, trade union membership, membership or non-membership, real or supposed, to an ethnic group, nation, race or particular religion.

Is punished with the same penalty anyone who uses one of the means mentioned in the preceding paragraph to make defamatory or abusive remarks within the meaning of articles 442 and 443 of this code or makes remarks contrary to morality and public morality to the towards one or more persons or one or more organizations.

Section 308-6

Without prejudice to more serious penal provisions, is punished by imprisonment of 3 months to 1 year and a fine of 1,255 to 25,555 dirhams or one of these two penalties only, anyone who voluntarily throws during competitions or demonstrations sports, on one or more people, in the place where the public or the

players, or on the playing field, the ring or the racecourse, stones, solid or liquid objects, rubbish, burning materials or any other instrument or object likely to harm others or the facilities, commits an act of violence likely to disturb the running of a competition or sporting event, or prevent or hinder, by any means, its running.

Section 308-7

Without prejudice to more serious penal provisions, anyone who damages or destroys, by any means, the equipment for stadiums or sports facilities.

Section 308-8

Without prejudice to more serious penal provisions, are punished with a fine of 5,000 to 50,000 dirhams, those responsible for the organization of sports activities who do not take the measures provided for by law, by regulatory texts or by the statutes of organizations sportsmen to prevent violence during sporting competitions or events, when acts of violence result.

Persons responsible for applying the measures referred to in the preceding paragraph shall be punished with the same penalty, when their negligence or failure to apply the said measures has led to acts of violence.

Section 308-9

Without prejudice to more serious penal provisions, anyone who enters or attempts to enter a sports enclosure is punished by imprisonment of 1 to 3 months and a fine of 1,255 to 5,555 dirhams or one of these two penalties only. or in a public place where a competition or sporting event takes place or is transmitted while holding, without legitimate reason, a weapon within the meaning of article 353 of this code, laser pointers, burning or flammable materials or any other instrument or object likely to be used to commit an act of violence, assault, damage or destruction of facilities or an instrument the possession of which is prohibited by law, or by sporting regulations.

Section 308-10

Without prejudice to more serious penal provisions, is punished with a fine of 1,200 to 10,000 dirhams whoever enters or attempts to enter in a state of intoxication or under the effect of narcotic or psychotropic substances or while holding alcoholic beverages or psychotropic drugs, in a sports hall, sports hall or any other public place where a competition or a sporting event takes place or is transmitted.

Section 308-11

Without prejudice to more serious criminal provisions, anyone who enters or attempts to enter by force or by fraud in a sports arena, sports hall or in any other place where a sports competition or event.

Without prejudice to more serious penal provisions, is punished with the same penalty anyone who enters or attempts to enter, without legitimate reason, the playing field, the ring or the racetrack, during the course of a competition or an event. athletic.

Section 308-12

Without prejudice to more serious penal provisions, anyone who sells tickets for competitions or sporting events, for a price higher or lower than that set by the bodies empowered to set their price or without their authorization.

Section 308-13

The fines provided for in articles 308-1 to 308-12 above are increased from double to five times, when the author of the offense is a legal person.

Section 308-14

In the event of recidivism, the penalties enacted against the authors of the offenses provided for in articles 308-1 to 308-12 are doubled.

Is in a state of recidivism, anyone who has been, by a decision, having acquired the force of res judicata, condemned for one of the offenses

provided for in articles 308-1 to 308-12 above, has committed the same offense within five years after the expiry of this penalty or its prescription.

For the purposes of this provision, are considered as constituting the same offence, all the offenses provided for in this section.

Section 308-15

In the event of conviction for one of the offenses provided for in Articles 308-1 to 308-12 above, the court may order the confiscation for the benefit of the State, subject to the rights of third parties in good faith, of the objects and things which were or were to be used in the offence, or which are the products thereof, as well as gifts or other advantages which were or were to be used to reward the perpetrator of the offence.

Section 308-16

The court may, in accordance with the provisions of article 48 of this code, order that its sentencing decision be published, broadcast by various audio-visual means or displayed.

Section 308-17

The court may order the dissolution of the legal person in the event of its conviction for one of the offenses provided for in this section.

Section 308-18

In addition to the penalties provided for in articles 308-1 to 308-12 of this code, the court may order the convicted person to be prohibited from attending competitions and sporting events, for a period not exceeding two years. It may pronounce the provisional execution of the said measure.

The court may also assign the convicted person a place of residence or any other place or compel him to go to the police or local authority stations at the time of competitions or sporting events which he was prohibited from attending.

Violations of the provisions of the 1st and 2nd paragraphs are punishable by the penalty provided for in article 318 of this code.

The public prosecutor notifies the decision to prohibit attendance at competitions and sporting events to the authorities and organizations provided for in article 358-19 below in order to ensure its execution.

Section 308-19

The governmental authority in charge of sport, the federations, the sports clubs, the local commission for the fight against violence in sports arenas, created by a specific text, the authorities and the public force and the officers of the judicial police are responsible, each insofar as it is concerned, of the execution of judicial decisions pronouncing the prohibition to attend competitions and sporting events.

SECTION III ESCAPE

(Sections 309 to 316)

Section 309

Is punished by imprisonment of one to three months, whoever being, by virtue of a warrant or a court decision, legally arrested or detained for a crime or offence, escapes or attempts to escape, either places assigned to detention by the competent authority, either from the place of work or during a transfer.

The culprit is punished by imprisonment of two to five years, if the escape takes place or is attempted with violence or threats against persons, with breaking and entering or breaking the prison.

Section 310

The sentence pronounced, in execution of the provisions of the preceding article, against the prisoner who has escaped or who has attempted to escape, is cumulative, by way of derogation from article 120, with any temporary custodial sentence imposed for the offense reason for the arrest or detention.

If the prosecution of this last offense is terminated by an order or judgment of non-suit or a decision of acquittal or absolution, the duration of the preventive detention suffered on this count is not deducted from the duration of the sentence for escape or attempted escape.

Section 311

Commanders-in-chief or subordinate commanders, either of the gendarmerie, or of the armed force, or of the police, serving as escorts or manning posts, officials of the penitentiary administration and all other

responsible for the guard or the conduct of prisoners, are punished, in the event of negligence having permitted or facilitated an escape, by imprisonment for one month to two years.

Section 312

Is guilty of connivance to escape and punished by imprisonment from two to five years, any person designated in the preceding article who procures or facilitates the escape of a prisoner or who attempts to do so, even without the knowledge of this one, and even if this escape was neither realized nor attempted by him; the penalty is incurred even when the aid to escape consisted only of voluntary abstention.

The penalty may be doubled when the aid consisted of supplying a weapon.

In all cases, the culprit must, in addition, be prohibited from exercising any public function or employment for a maximum of ten years.

Section 313

Persons other than those designated in article 311 who procured or facilitated an escape, or attempted to do so, are punished, even if the escape is not carried out, by imprisonment for one to six months and a fine of 200¹¹⁶ to 500 dirhams.

If there has been corruption of guards or connivance with them, the prison term is six months to two years and the fine is 250 to 1,000 dirhams.

When the aid to escape consisted in supplying a weapon, the prison term is two to five years and the fine 250 to 2,000 dirhams.

Section 314

All those who knowingly procured or facilitated an escape must be jointly and severally condemned to pay the damages due to the victim or his heirs, in compensation for the damage caused by the offense for which the escaped person was detained.

116 - see supra note corresponding to article 111.

Section 315

Anyone who, for having favored an escape or an attempt to escape, is sentenced to imprisonment for more than six months, may, in addition, be subject to the prohibition of one or more of the rights mentioned in Article 40 and a residence ban which cannot exceed five years.

Section 316

Except in the case where heavier penalties are incurred for connivance in escaping, anyone who, in violation of a regulation established by the prison administration or approved by it, surrenders or makes reaching or attempting to hand over or send to a detainee, wherever he may be, sums of money, correspondence or any objects whatsoever.

Shall be punished with the same penalty the exit or the attempt to exit sums of money, correspondence or any objects coming from a detainee, carried out in violation of the said regulations.

If the culprit is one of the persons designated in Article 311, or if he is authorized by his functions to approach prisoners freely, in any capacity whatsoever, the penalty is imprisonment for three months to a year.

SECTION IV NONOBSERVATION OF FORCED RESIDENCE AND SAFETY MEASURES

(Sections 317 to 325)

Section 317

Anyone who, having been sentenced to the criminal penalty of forced residence defined by article 25, leaves, without the authorization of the competent authority, the place or the perimeter which had been assigned to him, is punished with the imprisonment of one to five years.

Section 318

If the offense provided for by the preceding article is committed by the person who has been assigned to forced residence as a security measure in application of article 61, he is punished by imprisonment from six months to two years.

Section 319

Whoever, having been the subject of a measure of prohibition of stay duly notified, appears in one of the places which were prohibited to him, is punished by imprisonment from six months to two years.

Section 320

Anyone who, pursuant to the provisions of Articles 78, 79, or 136, is the subject of a decision to be hospitalized in a psychiatric establishment, evades the execution of this measure, is punished by imprisonment for three months to one year and a fine of 200¹¹⁷ to 500 dirhams.

Section 321

Anyone who, in application of the provisions of article 80, is the subject of a decision of placement in a therapeutic establishment, evades the execution of this measure, is punished by imprisonment of one to six months. and a fine of 200¹¹⁸ to 500 dirhams.

The sentence of imprisonment thus pronounced is executed at the end of the period of placement; it is cumulative with the prison sentence which would have been imposed by application of Article 81.

Section 322

Anyone who, pursuant to the provisions of article 83, is the subject of a decision of judicial placement in an agricultural colony, evades the execution of this measure, is punished by imprisonment of two months to one year.

The sentence of imprisonment pronounced is executed immediately. Its duration is not deducted from that of the placement measure to which the escapee was subjected.

Section 323

Anyone who, pursuant to the provisions of Article 86, has been prohibited from exercising, even temporarily, any public function or employment, evades the execution of this measure, is punished by the penalties laid down in Article 262.

117 - Ibid.

118 - Ibid.

The same penalties are applicable to anyone who evades the execution of a measure prohibiting the exercise of a profession, activity or art, pronounced in execution of article 87.

Section 324

Any person designated in article 90 - paragraph 2 - who, in violation of the decision to close a commercial or industrial establishment, contravenes the provisions of the said paragraph, is punished by imprisonment of one to six months and a fine of 200 to 2,000 dirhams.

Section 325

Anyone who knowingly removes, conceals or lacerated, in whole or in part, posters affixed in execution of a judicial decision taken pursuant to article 48, is punished by imprisonment from six days to one month and a fine of 200¹¹⁹ to 250 dirhams.

It is proceeded again, at the expense of the condemned, to the execution all of the provisions of the judgment relating to posting.

SECTION V Begging and vagrancy

(Sections 326 to 333)

Section 326

Is punished with imprisonment from one to six months, whoever having means of subsistence or being able to obtain them by work or in any other lawful way, habitually engages in begging in any place whatsoever.

Section 327

Are punished by imprisonment from three months to one year, all beggars, even invalids or destitute, who seek charity:

- 1° Either by using threats;
- 2° Either by simulating wounds or infirmity;

119 - see supra note corresponding to article 111.

3° Either by being usually accompanied by one or more several young children other than their own descendants;

4° Either by entering a dwelling or its outbuildings without the authorization of the owner or the occupants;

5° Either in a meeting, unless it is the husband and the wife, the father and the mother and their young children, the blind or the infirm and their leader.

Section 328

Shall be punished with the penalty provided for in the preceding article, those who, either openly or under the guise of a profession, employ children under the age of thirteen for begging.

Section 329

Is guilty of vagrancy and punished by imprisonment from one to six months whoever, having neither certain domicile, nor means of subsistence, does not habitually exercise either a trade or a profession although being able to work and who does not justify not have applied for work or refused the paid work offered to him.

Section 330

The father, the mother, the testamentary guardian, the dative guardian, the kafil or the employer and generally any person having authority over a child or who ensures its protection who delivers, even free of charge, the child, the pupil, the child abandoned subject to kafala or an apprentice under the age of eighteen to a vagabond or to one or more individuals engaged in begging, or to several vagabonds is punished by imprisonment for six months to two years.

The same penalty is applicable to anyone who delivers or causes to be delivered the child, the pupil, the child subject to kafala or the apprentice, aged under eighteen, to one or more beggars or to one or more vagrants., or determined this minor to leave the domicile of his parents, testamentary guardian, dative guardian, kafil, boss or that of the person who ensures his protection, to follow one or more beggars or one or more vagabonds¹²⁰ .

120 - Article supplemented by article two of law n° 24-03 amending and supplementing the penal code, cited above.

Section 331

Any beggar, even invalid, any vagabond, who is found carrying arms or provided with instruments or objects capable of committing crimes or misdemeanors, is punished by imprisonment from one to three years.

Section 332

Is punished by imprisonment of one to five years, any vagrant who exercises or attempts to exercise any act of violence whatsoever against persons, unless due to the nature of this violence a stronger penalty is incurred by application of another penal provision.

Section 333

A ban on residence may be pronounced for a period of five years against the perpetrators of the offenses provided for in articles 331 and 332 above.

CHAPTER VI FALSE, COUNTERFEIT AND USURPATIONS

(Sections 334 to 391)

SECTION I COUNTERFEITING OR FALSIFICATION OF CURRENCIES OR PUBLIC CREDIT INSTRUMENTS

(Sections 334 to 341)

Section 334

Anyone who counterfeits, falsifies or alters:

Or metallic currencies, or paper currencies, having legal tender in Morocco or abroad; Either securities,

bonds or bonds, issued by the Public Treasury with its stamp or brand, or interest coupons relating to these securities, bonds or bonds.

Section 335

Those who, in any way whatsoever, knowingly participated in the issue, distribution, sale or introduction into the territory of the Kingdom of currencies, securities, bonds or obligations referred to in that article.

Section 336

Benefits from an absolutionary excuse under the conditions provided for in articles 143 to 145, that of the culprits of the crimes mentioned in the two preceding articles who, before the commission of these crimes and before any prosecution, gave knowledge of them to the authorities and revealed the identity of the authors or who, even after the proceedings have begun, procured the arrest of the other culprits.

The individual thus exempted from penalty may nevertheless be prohibited from staying for at least five years and at most twenty years.

Section 337

Is punished with a prison term of six months to three years whoever colors currencies that are legal tender in Morocco or abroad, with the aim of misleading as to the nature of the metal, or issues or introduces into the territory of the Kingdom currencies as well colored.

The same penalty is incurred by those who participated in the coloration, issue or introduction of said coins.

Section 338

He is not punishable who, having received, believing them to be authentic, metallic or paper money, counterfeit, falsified, altered or colored, puts them back into circulation in ignorance of their vice.

Anyone who puts the said coins back into circulation after discovering the defect, is punished by imprisonment of one to six months and a fine equal to four times the sum thus put back into circulation.

Section 339

The manufacture, issue, distribution, sale or introduction into the territory of the Kingdom of monetary signs intended to supplement or replace currencies that are legal tender, is punishable by

imprisonment from one to five years and a fine of 500 to 20,000 dirhams.

Section 340

Anyone who manufactures, acquires, holds or sells products or materials intended for the manufacture, counterfeiting or falsification of currencies or public credit instruments is punished, if the fact does not constitute a more serious offence, by imprisonment for two five years and a fine of 250 to 5,000 dirhams.

Section 341

For the offenses referred to in Articles 334 and 338 to 340, the trial court must order the confiscation provided for in Articles 43, 44 and 89.

SECTION II FORGERY OF STATE SEALS AND OF PUNCHES, STAMPS AND MARKS

(Items 342 to 350)

Section 342

Whoever forges the seal of the State or makes use of the forged seal is punished with life imprisonment.

The absolutionary excuse provided for in article 336 is applicable to the culprit of the crime referred to in the above paragraph.

Section 343

Anyone who counterfeits or falsifies either one or more national stamps, or one or more State hammers used for forest marks, or one or more punches used to mark gold materials or money or who makes use of falsified or counterfeit stamps, papers, hammers or hallmarks.

Section 344

Is punished with imprisonment from five to twenty years whoever, having unduly obtained real stamps, hammers or hallmarks of the State designated in the preceding article, makes an application or a use detrimental to the rights and interests of the State.

Section 345

Anyone who :

1° Manufactures the seals, stamps, seals or marks of the State or of any authority whatsoever without the written order of the authorized representatives of the State or of this authority;

2° Manufactures, holds, distributes, buys or sells stamps, seals, marks or stamps likely to be confused with those of the State or any authority, even foreign.

Section 346

Is punishable by imprisonment of one to five years and a fine of 250 to 10,000 dirhams anyone:

1° Infringes the marks intended to be affixed in the name of the Government or public service on various species of commodities or merchandise or who makes use of such false marks;

2° Forges the seal, stamp or mark of any authority whatsoever, or makes use of a counterfeit seal, stamp or mark;

3° Counterfeits the letterheads or official printed papers in use in the assemblies established by the constitution, the public administrations or the various jurisdictions, sells them, peddles or distributes or makes use of the papers or printed

4° Forged or falsified matter thus counterfeited; postage stamps, franking imprints or reply coupons issued by the Sherifian postal administration, mobile tax stamps, stamped papers or formulas, sells, peddles, distributes or knowingly uses the said stamps, imprints, reply coupons, papers counterfeit or falsified stamped forms.

The culprit may, in addition, be struck by the prohibition of one or more of the rights mentioned in article 40 and by a residence ban which may not exceed five years.

The attempt of the offenses listed above is punishable as the consummated offence.

121 - see supra note corresponding to article 111.

Section 347

Is punished by imprisonment from six months to three years and a fine of 250 to 5,000 dirhams anyone who has unduly obtained real seals, marks or printed matter provided for in the preceding article, in fact or attempts to do so. fraudulent application or use.

The culprit may, in addition, be struck by the prohibition of one or more of the rights mentioned in article 40 and by a residence ban which cannot exceed five years.

Section 348

Is punished by imprisonment of two months to one year and a fine of 200122 to 1,000 dirhams anyone who: 1°

Knowingly uses postage stamps, mobile stamps or stamped papers or forms which have already been used or which, by any means, alters stamps in order to protect them from obliteration and thus allow their subsequent reuse;

2° Overprinting, perforating or any other means Moroccan postage stamps or other postal fiduciary values, whether expired or not, or who sells, peddles, offers, distributes, exports postage stamps thus overprinted; 3° Counterfeits, imitates or alters

the vignettes, stamps, franking impressions or reply coupons issued by the postal service of a foreign country, sells, peddles or distributes the said vignettes, stamps, franking impressions or reply coupons or knowingly uses it.

Section 349

Is punished by imprisonment of one to six months and a fine of 200123 to 2,000 dirhams or one of these two penalties only anyone:

1° Manufactures, sells, peddles or distributes all objects, printed matter or formulas, obtained by any process whatsoever which, by their external form, present with metallic currencies or paper currencies having legal tender in Morocco or abroad, with annuity securities,

122 - Ibid.

123 - Ibid.

vignettes and stamps of the post, telegraph and telephone service or State authorities, stamped papers or forms, shares, bonds, interest shares, dividend coupons or interest relating thereto and generally with the fiduciary securities issued by the State, the cities and the public establishments as well as by companies, companies or private companies, a resemblance likely to facilitate the acceptance of the said objects, printed matter or formulas instead of the imitated values;

2° Manufactures, sells, peddles, distributes or uses printed matter which, by its format, color, text, typographical arrangement or any other character, presents with the official letterheads or printed matter in use in the assemblies instituted by the constitution, the public administrations and the various jurisdictions, a resemblance likely to cause misunderstanding in the minds of the public.

Section 350

For the offenses defined in this section, the trial court must order the confiscation provided for in Articles 43, 44 and 89.

SECTION III FORGERY IN PUBLIC WRITING OR AUTHENTIC

(Items 351 to 356)

Section 351

Forgery in writing is the fraudulent alteration of the truth, likely to cause harm and accomplished in writing by one of the means determined by law.

Section 352

Is punished with life imprisonment any magistrate, any public official, any notary or adel who, in the exercise of his functions, has committed a forgery:

- either by false signatures;
- either by alteration of deeds, writings or signatures;
- either by guess or substitution of persons;

either by writings made or inserted in registers or other public acts, since their preparation or closing.

Section 353

Is punished with life imprisonment, any magistrate, any public official, any notary or adel who, by drafting acts of his office, fraudulently distorts the substance or the circumstances, either by writing agreements other than those which have been drawn up or dictated by the parties, either by noting as true facts that he knew to be false, or by attesting as having been confessed or having happened in his presence facts which were not, or by omitting or deliberately modifying statements received by him.

Section 354

Any person other than those designated in the preceding article who commits a forgery in authentic and public writing shall be punished by ten to twenty years' imprisonment:

either by forgery or alteration of writing or signature; either by making agreements, provisions, obligations or discharges or by their subsequent insertion in these acts; either by addition, omission or alteration of clauses, declarations or facts that these acts were intended to receive and establish; either by guesswork or substitution of persons.

Section 355

Any person not party to the act who makes a statement before adoul that he knows is not in accordance with the truth is punished by imprisonment of one to five years and a fine of 200124 to 500 dirhams.

However, benefits from an absolutionary excuse under the conditions provided for in articles 143 to 145, whoever, having made as a witness before adoul a statement not in conformity with the truth, has retracted before the result of the use of the act harm to others and before he himself has been the subject of proceedings.

124 - Ibid.

Section 356

In the cases referred to in this section, whoever makes use of the document which he knew to be false, shall be punished by imprisonment for five to ten years.

SECTION IV FORGERY IN PRIVATE OR COMMERCIAL WRITINGS OR BANK

(Items 357 to 359)

Section 357

Any person who in one of the ways provided for in article 354 commits or attempts to commit a forgery in commercial or banking records is punished by imprisonment for one to five years and a fine of 250 to 20,000 dirhams.

The culprit may, in addition, be struck by the prohibition of one or more of the rights mentioned in article 40 and by a residence ban which may not exceed five years.

The penalty may be increased to double the maximum provided for in the first paragraph when the culprit of the offense is a banker, a company director and, in general, a person who has appealed to the public with a view to issuing shares, bonds, warrants, shares or titles whatsoever, either of a company or of a commercial or industrial enterprise.

Section 358

Any person who, in one of the ways provided for in article 354, commits or attempts to commit a forgery in private writings is punished by imprisonment of one to five years and a fine of 250 to 2,000 dirhams.

The culprit may, in addition, be struck by the prohibition of one or more of the rights mentioned in article 40 and by a residence ban which may not exceed five years.

Section 359

In the cases referred to in this section, whoever makes use of the document which he knows to be false is punished with the penalties for forgery, according to the distinctions provided for in the two preceding articles.

SECTION V FORGERY COMMITTED IN CERTAIN DOCUMENTS ADMINISTRATIVE AND CERTIFICATES

(Items 360 to 367)

Section 360

Anyone who counterfeits, falsifies or alters permits, certificates, booklets, cards, bulletins, receipts, passports, mission orders, waybills, laissez-passer or other documents issued by public administrations with a view to ascertaining a right, an identity or a quality, or to grant an authorization, is punishable by imprisonment of six months to three years and a fine of 200125 to 1,500 dirhams.

The culprit may, in addition, be struck by the prohibition of one or more of the rights mentioned in article 40 for at least five years and at most ten years.

The attempt is punished as the consummated offense.

The same penalties are applied:

anyone who knowingly makes use of said counterfeit, falsified or altered documents;

2° To anyone who makes use of one of the documents referred to in the first paragraph, knowing that the information contained therein has become incomplete or inaccurate.

Section 361

Anyone who is unduly issued or attempts to be unduly issued one of the documents referred to in the preceding article, either by making false declarations, or by taking a false name or a false capacity, or by providing false information, certificates or attestations , is punishable by imprisonment of three months to three years and a fine of 200126 to 300 dirhams.

A civil servant who issues or causes to be issued one of the documents referred to in article 360 to a person whom he knows is not entitled to it, is

125 - Ibid.

126 - Ibid.

punishable by imprisonment of one to four years and a fine of 250 to 2,500 dirhams, unless the act constitutes one of the more serious offenses provided for in articles 248 and following. He may, in addition, be subject to the prohibition of one or more of the rights mentioned in article 40 for at least five years and at most ten years.

The penalties laid down in the first paragraph are applied to anyone who makes use of such a document, knowing that it has been obtained under the aforementioned conditions, or drawn up under a name other than his own.

Section 362

Landlords and innkeepers who knowingly enter in their registers under false or supposed names the persons lodged with them or who, in connivance with them, omit to enter them, are punished by imprisonment for one to six months and a fine of 200 to 500 dirhams or one of these two penalties only.

They are, moreover, civilly liable for refunds, indemnities and costs allocated to victims of crimes or misdemeanors committed during their stay, by the persons thus accommodated in their home.

Section 363

Any person who, in order to exempt himself or others from any public service whatsoever, produces, under the name of a doctor, surgeon, dentist, health officer or midwife, a certificate of illness or infirmity is punished by imprisonment from one to three years.

Section 364

Any doctor, surgeon, dentist, health officer or midwife who, in the exercise of his functions and to favor anyone, falsely certifies or conceals the existence of illness or infirmity or a state of pregnancy, or provides false information about the origin of an illness or infirmity or the cause of death, is punishable by imprisonment of one to three years, unless the fact constitutes one of the more serious offenses provided for in articles 248 and following.

The culprit may, in addition, be struck by the prohibition of one or more of the rights mentioned in article 40 for at least five years and at most ten years.

127 - Ibid.

Section 365

Anyone who establishes, under the name of a civil servant or public officer, a certificate of good conduct, of indigence, or relating other circumstances likely to call the benevolence of the authorities or individuals on the person designated in this certificate, to him to procure places, credit or assistance, is punishable by imprisonment for six months to two years.

The same penalty is applied: 1°

To anyone who falsifies one of the certificates provided for above, originally genuine, to make it applicable to a person other than the one to whom it was originally issued; 2° To any individual who has knowingly used the certificate thus fabricated or falsified.

If the certificate is drawn up under the name of a private individual, its manufacture or use is punishable by imprisonment from one to six months.

Section 366

Is punished by imprisonment of six months to two years and a fine of 200,128 to 1,000 dirhams or one of these two penalties only, unless the act constitutes a more serious offence, anyone who:

1° Knowingly draws up an attestation or certificate relating to facts materially inaccurate;

2° Falsifies or modifies in any way a certificate or originally sincere certificate;

3° Knowingly uses an inaccurate or falsified attestation or certificate.

Section 367

The forgery repressed in this section, when they have been committed to the detriment of the Public Treasury or a third party, are punished according to their nature, either as forgery in public or authentic writing, or as forgery in private, commercial or of bank.

128 - Ibid.

SECTION VI FALSE TESTIMONY, FALSE OATH AND FAILURE TO WITNESS

(Items 368 to 379)

Section 368

False testimony is the willful alteration of the truth, likely to mislead justice in favor or to the detriment of one of the parties, made under oath, by a witness during a criminal, civil or administrative in a statement that has become irrevocable.

Section 369

Anyone who is guilty of false testimony in criminal matters, either against the accused or in his favour, is punished by imprisonment from five to ten years.

If the false witness received money, any reward or promises, the penalty is imprisonment for ten to twenty years.

If the accused is sentenced to a sentence greater than time imprisonment, the false witness who testified against him incurs the same sentence.

Section 370

Anyone who is guilty of false testimony in criminal matters, either against the defendant or in his favour, is punished by imprisonment for two to five years and a fine of 200129 to 1,000 dirhams.

If the false witness has received money, any reward or promises, the prison sentence can be increased to ten years and the maximum fine to 2,000 dirhams.

Section 371

Anyone who is guilty of false testimony in matters of simple policing, either against the accused or in his favour, is punished with

129 - Ibid.

imprisonment from three months to one year and a fine of 60 to 100 dirhams¹³⁰.

If the false witness has received money, any reward or promises, the penalty will be imprisonment for six months to two years and a fine of 200¹³¹ to 500 dirhams.

Section 372

Anyone who is guilty of false testimony in civil or administrative matters is punished by imprisonment of two to five years and a fine of 200¹³² to 2,000 dirhams.

If the false witness has received money, any reward or promises, the prison sentence can be increased to ten years and the fine to 4,000 dirhams.

The provisions of this article apply to false testimony committed in a civil action brought before a repressive court incidentally to a criminal proceeding.

Section 373

Anyone who, in any matter, at any stage of a proceeding or with a view to a claim or defense in court, uses promises, offers or presents, pressure, threats, assault, maneuvers or artifices to determine another to make a deposition or a declaration or to issue a false certificate, is punished, whether or not the subornation has produced effect, by imprisonment for one to three years and a fine of 200¹³³ to 2,000 dirhams or one of these two penalties only, unless the act constitutes complicity in one of the more serious offenses provided for in articles 369, 370 and 372.

Section 374

An interpreter who, in criminal, civil or administrative matters, knowingly distorts the substance of oral statements or documents

130 - After the minimum criminal fine had been increased to 200 dirhams under article 2 of law n° 3-80 amending certain provisions of the aforementioned penal code, the minimum fine provided for by this article increased exceeded the maximum. Thus, the amount of the fine, in this case, cannot be less than the minimum. 131

- see supra note corresponding to article 111.

132 - Ibid.

133 - Ibid.

translated orally, is punishable by the penalties of perjury according to the distinctions provided for in articles 369 to 372.

When the distortion is made in the written translation of a document intended or capable of establishing proof of a right or of a fact having legal effects, the interpreter is punished with the penalties for forgery in writing according to the distinctions provided for in articles 352 to 359 according to the character of the distorted document.

Section 375

The expert who, appointed by the judicial authority, gives orally or in writing, in any stage of the procedure, a false opinion or affirms facts which he knows are not in conformity with the truth, is liable to the penalties of false testimony according to the distinctions provided for in articles 369 to 372.

Section 376

Bribery of an expert or interpreter is punished as witness tampering under the provisions of article 373.

Section 377

Any person to whom the oath is deferred or referred in civil matters and who makes a false oath is punished by imprisonment of one to five years and a fine of 200¹³⁴ to 2,000 dirhams.

Section 378

Anyone who knows the proof of the innocence of a person imprisoned on remand or tried for a crime or misdemeanor, voluntarily abstains from immediately bringing the testimony to the authorities of justice or police is punished: If it is a crime,

imprisonment for two to five years and a fine of 250 to 1,000 dirhams.

In the case of a correctional or police offence, imprisonment of one month to two years and a fine of 200,¹³⁵ 135 to 5,000 dirhams, or one of these two penalties only.

134 - Ibid.

135 - Ibid.

However, incurs no penalty whoever brings his testimony late, but spontaneously.

The provisions of this article do not apply to the culprit of the fact which motivated the prosecution, to his co-authors, to his accomplices and to the relatives or allies of these persons up to the fourth degree inclusively.

Section 379

In the event that, by virtue of one of the articles of this section, only a criminal penalty is incurred, the culprit may, in addition, be struck for at least five years and at most ten years by the prohibition of a or more of the rights mentioned in article 40 of this code.

SECTION VII USURPATION OR IRREGULAR USE OF FUNCTIONS, TITLES OR NAMES

(Items 380 to 391)

Section 380

Anyone who, without a title, interferes in public, civil or military functions or performs an act of one of these functions, is punished by imprisonment from one to five years unless the fact constitutes a more serious offense. .

Section 381

Anyone who, without fulfilling the conditions required to hold it, makes use of or claims a title attached to a legally regulated profession, an official diploma or a quality whose conditions of attribution are fixed by the public authority. is punished, unless more severe penalties are provided for by a special text, by imprisonment of three months to two years and a fine of 200136 to 5,000 dirhams or one of these two penalties only.

Section 382

Anyone who, without right, publicly wears a regulation uniform, a costume distinctive of a function or quality, a

136 - Ibid.

official insignia or decoration of a national or foreign order is punishable by imprisonment of three months to one year and a fine of 200137 to 1,000 dirhams or one of these two penalties only, unless the fact be retained as an aggravating circumstance of a more serious offence.

Section 383

Anyone who, either in an official act or habitually, unduly claims a title or an honorary distinction, is punished by imprisonment of one to two months or a fine of 200138 to 1,000 dirhams.

Section 384

Anyone who publicly wears a costume bearing a resemblance likely to cause a misunderstanding in the mind of the public with the uniforms of the Royal Armed Forces, the gendarmerie, the national security, the customs administration, any civil servant exercising functions judicial police or auxiliary police forces, is punishable by imprisonment of one to six months and a fine of 200139 to 500 dirhams or one of these two penalties only.

Section 385

Anyone who, in a public or authentic document or in an administrative document intended for the public authority, unduly assigns himself a patronymic name other than his own, is punished with a fine of 200,140 to 1,000 dirhams .

Section 386

Anyone who takes a false name or a false quality is issued with an extract from the criminal record of a third party, is punished by imprisonment from one month to one year.

137 - Ibid.

138 - Ibid.

139 - Ibid.

140 - Ibid.

Section 387

Anyone who has taken the name of a third party in the circumstances which have determined or could have determined the registration of a conviction in the criminal record of this third party, is punished by imprisonment from six months to five years, without prejudice to prosecution. to practice for the crime of forgery if necessary.

The same penalty shall apply to anyone who, by false declarations relating to the civil status of an accused person, has knowingly been the cause of the entry of a conviction in the criminal record of someone other than that accused person.

Section 388

In all the cases provided for in this section, the trial court may order, at the expense of the convicted person, either the full insertion or extract of its decision in the newspapers it designates, or the posting in the places it noted.

The same jurisdiction orders, if necessary, that mention of the judgment be made in the margin of the authentic acts or acts of civil status in which the title has been taken unduly or the name altered.

Section 389

Is punished with a fine of 200,141 to 5,000 dirhams, anyone exercising the profession of business agent or legal or tax adviser, makes or lets appear his quality of honorary magistrate or former lawyer, honorary civil servant or former civil servant, or a military rank, on all prospectuses, announcements, leaflets, advertisements, plaques, letterheads and, in general, on any document or writing whatsoever used in the context of its activity.

Section 390

Are punished by imprisonment of one to six months and a fine of 200142 to 10,000 dirhams or only one of these two penalties, the founders, directors or managers of companies or establishments industrialist or financier who have made or let appear the name of a member of the Government or of a member of an assembly, with

141 - Ibid.

142 - Ibid.

mention of its quality, in any publicity made in the interest of the company which they direct or which they propose to found.

Section 391

Are punished with the penalties provided for in the preceding article, the founders, directors or managers of companies or establishments with commercial, industrial or financial purposes who have made or allowed to appear the name of a former member of the Government, of a magistrate or former magistrate, of a civil servant or former civil servant or of a high dignitary, with mention of his capacity, in any publicity made in the interest of the company which they direct or which they propose to found.

CHAPTER VII CRIMES AND OFFENSES AGAINST PEOPLE :

(Items 392 to 448)

SECTION I VOLUNTARY KILLING , POISONING AND VIOLENCE

(Items 392 to 424)

Section 392

Anyone who intentionally kills another person is guilty of murder and punished by life imprisonment.

However, murder is punishable by death:

When it preceded, accompanied or followed another crime;

When its purpose was either to prepare, facilitate or carry out another crime or misdemeanor, or to promote flight or ensure the impunity of the perpetrators or accomplices of this crime or misdemeanor.

Section 393

Murder committed with premeditation or ambush is qualified as assassination and punishable by death.

Section 394

Premeditation consists in the design, formed before the action, of attacking the person of a determined individual, or even of the one who will be found or encountered, even when this design would depend on some circumstance or some condition.

Section 395

The ambush consists in waiting more or less time, in one or various places, for an individual, either to kill him or to carry out acts of violence against him.

Section 396

Anyone who intentionally kills his father, his mother or any other ascendant is guilty of parricide and punished with the penalty of death.

Section 397

Whoever intentionally kills a new-born child is guilty of infanticide and punished, according to the distinctions provided for in articles 392 and 393, with the penalties laid down in these articles.

However, the mother, principal author or accomplice of the murder or the assassination of her newborn child, is punished with the penalty of imprisonment for five to ten years, but without this provision being able to apply to her co-authors or accomplices.

Section 398

Whoever makes an attempt on the life of a person by the effect of substances which can cause death more or less promptly, however these substances have been used or administered, and whatever the consequences, is guilty of poisoning and punishable by death.

Section 399

Is punished with the death penalty, whoever for the execution of an act characterized as a crime employs torture or acts of barbarism.

Section 400

Anyone who intentionally injures or strikes another person or commits any other form of violence or assault, whether they have not caused illness or incapacity, or have caused illness or incapacity for work staff not exceeding twenty days, is punished by imprisonment of one month to one year and a fine of 200143 to 500 dirhams or one of these two penalties only.

When there has been premeditation or ambush or the use of a weapon, the penalty is imprisonment for six months to two years and a fine of 200144 to 1,000 dirhams.

Section 401

When the injuries or beatings or other violence or assault have resulted in incapacity for more than twenty days, the penalty is imprisonment for one to three years and a fine of 200,145 to 1,000 dirhams .

When there has been premeditation or ambush or the use of a weapon, the penalty is imprisonment for two to five years and a fine of 250 to 2,000 dirhams.

The culprit may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 of this code and the prohibition of residence.

Section 402

When the injuries or blows or other violence or assault have resulted in mutilation, amputation or deprivation of the use of a limb, blindness, loss of an eye or any other permanent infirmity, the penalty is imprisonment for five at ten years old.

Where there has been premeditation or ambush, or the use of weapon, the penalty is imprisonment for ten to twenty years.

143 - Ibid.

144 - Ibid.

145 - Ibid.

Section 403

When injuries or blows or other violence or assault, carried out voluntarily but without the intention of causing death, have nevertheless caused it, the penalty is imprisonment for ten to twenty years.

When there has been premeditation or ambush or the use of a weapon, the penalty is life imprisonment.

Section 404

Anyone who intentionally strikes or injures one of his descendants, to his kafil or to his husband, is punished¹⁴⁶:

1° In the cases and according to the distinctions provided for in articles 400 and 401, double the penalties laid down in the said articles;

2° In the case provided for in Article 402, paragraph 1, imprisonment of ten to twenty years; in the case provided for in paragraph 2, imprisonment of twenty to thirty years;

3° In the case provided for in paragraph 1 of article 403, imprisonment of twenty to thirty years and in the case provided for in paragraph 2, life imprisonment.

146 - Article supplemented by article two of law n° 24-03 amending and supplementing the penal code, cited above.

Homicide Volontaire

Réclusion perpétuelle (art. 392 al. 1)	Mort
Meurtre sans circonstances aggravantes.	<p>Le meurtre : précède, accompagne ou suit un autre crime; ou prépare, facilite ou exécute un autre crime ou un délit; ou favorise la fuite ou assure l'impunité des auteurs ou complices de ce crime ou de ce délit</p> <p>Préméditation ou guet-apens (Art. 393)</p> <p>Parricide (Art. 396)</p> <p>Torture ou acte de barbarie (à l'occasion d'un crime) (Art. 399)</p> <p>Empoisonnement (Art. 398)</p>

Violences volontaires - Coups et blessures volontaires

Qualification	Circonstances		Nature de l'infraction	Peines encourues	Qualité de la victime (ascendant ou kafil ou époux*, art. 404)
	Préméditation ou guet-apens (art. 394, 395)	Emploi d'une arme (art. 400, al. 2)			
Violences légères			Contravention	Un à quinze jours de détention et 20 à 200** dirhams d'amende ou l'une de ces deux peines seulement (art. 608, 1 ^e)	
Violences (incapacité n'excédant pas vingt jours ou sans incapacité).	+	ou +	Délit de police	Emprisonnement d'un mois à un an et 200** à 500 dirhams d'amende ou l'une de ces deux peines seulement (art. 400, al. 1).	Peines doublées (al. 1).
			Délit de police	Emprisonnement de six mois à 2 ans et amende de 200** à 1.000 dirhams (art. 400, al. 2).	Peines doublées (al. 1) (devient délit correctionnel).
Violences (incapacité supérieure à vingt jours).	+	ou +	Délit correctionnel	Emprisonnement d'un à trois ans et amende de 200** à 1.000 dirhams (art. 401, al. 1).	Peines doublées (al. 1).
			Délit correctionnel	Emprisonnement de deux à cinq ans, amende de 250 à 2.000 dirhams, interdiction de séjour et art. 40 (art. 401, al. 2 et 3).	Peines doublées (al. 1).
Violences avec mutilation, amputation, privation de l'usage d'un membre, cécité, perte d'un œil, infirmité permanente.	+	ou +	Crime	Réclusion de dix à vingt ans (art. 402, al. 1).	Peines doublées (al. 2).
			Crime	Réclusion de dix à vingt ans (art. 402, al. 2).	Réclusion de vingt à trente ans (al. 2).
Coups mortels (volontaires, mais sans intention de donner la mort).	+	ou +	Crime	Réclusion de dix à vingt ans (art. 403, al. 1).	Réclusion de vingt à trente ans (al. 3).
			Crime	Réclusion perpétuelle (art. 403, al. 2).	Réclusion perpétuelle (al. 3).

* - Le législateur a ajouté le kafil et l'époux en plus de l'un des ascendants conformément à l'article 2 de la loi n° 24-03 modifiant et complétant le code pénal.

** - Le montant des amendes a été vu à la hausse conformément à la loi n° 3-80.

Section 405

Anyone who participates in a brawl, rebellion or seditious meeting during which violence is exercised leading to death under the conditions provided for in article 403, is punished by imprisonment from one to five years unless he incurs a more serious penalty as the perpetrator of this violence.

The leaders, authors, instigators, provocateurs of the brawl, rebellion or seditious meeting are punished as if they had personally committed the said violence.

Section 406

Anyone who participates in a brawl, rebellion or seditious meeting during which he is beaten or injured, is punished by imprisonment from three months to two years, unless he incurs a more serious penalty such as perpetrator of this violence.

The leaders, authors, instigators, provocateurs of the brawl, rebellion or seditious meeting are punished as if they had personally committed the said violence.

Section 407

Whoever knowingly helps a person in the facts which prepare or facilitate his suicide, or provides the weapons, poison or instruments intended for the suicide, knowing that they must be used for it, is punished, if the suicide is carried out, of the imprisonment of one to five years.

Section 408

Whoever intentionally injures or strikes a child under fifteen years of age or intentionally deprives him of food or care to such an extent that his health is endangered, or intentionally commits any other form of violence or assault on that child excluding minor violence, is punishable by imprisonment from one to three years¹⁴⁷.

147 - Article amended by Article 1 of Law No. 24-03 amending and supplementing the Penal Code, cited above.

Section 409

When the blows, wounds, violence, assault or deprivation referred to in the preceding article have resulted, illness, immobilization or incapacity for work for more than twenty days, or if there has been premeditation, penalty or use of a weapon, the penalty is imprisonment for two to five years.

The culprit may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 of this code and the prohibition of stay.

Section 410

When the blows, wounds, violence, assault or deprivation referred to in article 408 have resulted, mutilation, amputation, deprivation of the use of a limb, blindness, loss of an eye or other permanent infirmities , the penalty is imprisonment for ten to twenty years.

If death is the result without intention to give it, the penalty is that of imprisonment for twenty to thirty years.

If death resulted, without intention to give it, but by the effect usual practices, the penalty is that of life imprisonment.

If the blows, wounds, violence, assault or deprivation were practiced with the intention of causing death, the perpetrator is punished with death.

Section 411

When the culprit is an ascendant or any other person having authority over the child or having his custody, he is punished:

1° In the case provided for in article 408, imprisonment from two to five years;
2° In the

case provided for in article 409, double the prison sentence laid down in the said article.

In the cases provided for in the two preceding paragraphs, the culprit may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 of this code and of the residence ban.

3° In the case provided for in paragraph 1 of Article 410, imprisonment of twenty to thirty years;

4° In the case provided for in paragraph 2 of article 410, life imprisonment;

5° In the cases provided for in paragraphs 3 and 4 of article 410, the death penalty.

Violences à enfant

Qualification	Peine	+ Circonstances (art. 409) prémeditation, guet-apens, usage d'une arme	+ Qualité de l'Auteur (art. 411)
Violences simples (art. 408).	Emprisonnement d'un à trois ans	Emprisonnement de deux à cinq ans + interdiction de séjour et article 40	Emprisonnement de deux à cinq ans + interdiction de séjour et article 40
Violences avec incapacité supérieure à vingt jours (art. 409)	Emprisonnement de deux à cinq ans + interdiction de séjour et article 40.		Peines doublées
Violences avec mutilation (art. 410, al. 1)	Réclusion de dix à vingt ans.		Réclusion de vingt à trente ans.
Mort résultant sans intention (art. 410, al. 2).	Réclusion de vingt à trente ans.		Réclusion perpétuelle.
Mort résultant sans intention, mais effet de pratiques habituelles (art. 410, al. 3.)	Réclusion perpétuelle.		Mort
Mort résultant de violences et pratiques dans l'intention de donner la mort (art. 410, al. 4).	Mort		Mort

Section 412

Anyone who is guilty of the crime of castration is punished by life imprisonment.

If death is the result, the culprit is punished with death.

Section 413

Is punishable by imprisonment from one month to three years and a fine of 200148 to 500 dirhams whoever causes another person an illness or personal incapacity for work by administering to him, in any way whatsoever, knowingly but without intention to give death, substances harmful to health.

When the result is illness or personal incapacity for work for more than twenty days, the penalty is imprisonment for two to five years.

The culprit may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 and by the prohibition of residence.

When the substances administered have caused either an apparently incurable disease, or the loss of the use of an organ, or a permanent infirmity, the penalty is imprisonment for five to ten years.

When they have caused death without the intention of giving it, the penalty is imprisonment for ten to twenty years.

Section 414

When the offenses and crimes specified in the preceding article have been committed by an ascendant, descendant, spouse or successor of the victim or a person having authority over him, or having custody of him, the penalty is: 1° In the case

provided for in paragraph 1 of article 413, imprisonment from two to five years; 2° In the case

provided for in paragraph 2 of article 413, double the penalty of imprisonment enacted by this paragraph;

148 - see supra note corresponding to article 111.

3° In the case provided for in paragraph 4 of article 413, imprisonment for ten to

twenty years; 4° In the case provided for in paragraph 5 of article 413, life imprisonment.

Section 415

When the offenses defined in article 413 have been committed in the commercial cycle, application is made of dahir n° 1-59-380 of 26 rebia II 1379 (29 October 1959) on the repression of crimes against the health of the Nation¹⁴⁹.

Section 416

Murder, wounds and beatings are excusable if they have been caused by beatings or serious violence against people.

Section 417

Murder, wounds and beatings are excusable if they were committed while pushing back during the day the climbing or breaking in of the fences, walls or entrance of a house or an inhabited apartment or their dependencies.

If they were committed during the night, the provisions of article 125, paragraph 1, are applicable.

Section 418

Murder, injuries and blows are excusable if they are committed by one of the spouses on the person of the other, as well as on the accomplice, at the moment when he surprises them in flagrante delicto of adultery¹⁵⁰.

Section 419

The crime of castration is excusable if it was immediately caused by a violent indecent assault.

149 - Official Bulletin No. 2453 of October 30, 1959), p. 1818.

150 - Article amended by Article 1 of Law No. 24-03 amending and supplementing the Penal Code, cited above.

Section 420

Wounds caused or blows given without intention to cause death, even if they caused it, are excusable when they have been committed by a head of family who surprises in his home an illicit carnal trade, whether the blows have been brought to one or other of the culprits.

Section 421

Injuries and blows are excusable when they are committed on the person of an adult caught in the act of indecent assault or attempted indecent assault, carried out with or without violence, on a child under eighteen years old.

The same acts are excusable when committed against an adult caught in the act of rape or attempted rape¹⁵¹.

Section 422

Parricide is never excusable.

Section 423

When the fact of excuse is proven, the penalty is reduced:

1° To imprisonment of one to five years if it is a crime legally punishable by death or life imprisonment; 2° To imprisonment for six months to two years in the case of any other crime;

3° To imprisonment for one to three months if it is a misdemeanour.

Section 424

In the cases provided for in numbers 1° and 2° of the preceding article, the culprit may, in addition, be prohibited from staying for at least five years and at most ten years.

¹⁵¹ - Article amended and supplemented by article three of law n° 24-03 amending and supplementing the penal code, cited above.

SECTION II THREATS AND OMISSION TO PORT RESCUE

(Items 425 to 431)

Section 425

Anyone who, in anonymous or signed writing, image, symbol or emblem, threatens a crime against persons or property, is punished by imprisonment of one to three years and a fine of 200¹⁵² to 500 dirhams .

Section 426

If the threat provided for in the preceding article has been made with an order to deposit a sum of money in a specified place or to fulfill any other condition, the penalty is imprisonment for two to five years and a fine of 250 to 1,000 dirhams.

Section 427

If the threat provided for in article 425 made with an order or condition was verbal, the penalty is imprisonment for six months to two years and a fine of 200¹⁵³ to 250 dirhams.

Section 428

In the cases provided for in the three preceding articles, the culprits may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 and by the prohibition stay.

Section 429

Any threats of harm to persons or property, other than those referred to in articles 425 to 427, by one of the means provided for in said articles and with an order or condition, are punishable by imprisonment for one to three months. and a fine of 200¹⁵⁴ to 250 dirhams or one of these two penalties only.

152 - see supra note corresponding to article 111.

153 - Ibid.

154 - Ibid.

Section 430

Anyone who can, without risk for him or for third parties, prevent by his immediate action, either an act qualified as a crime, or an offense against the bodily integrity of a person, voluntarily abstains from doing so, is punished by imprisonment from three months to five years and a fine of 200¹⁵⁵ to 1,000 dirhams or one of these two penalties only.

Section 431

Anyone who voluntarily abstains from bringing to a person in danger the assistance that without risk for him or for third parties, he could lend him, either by his personal action, or by causing help, is punished by the imprisonment of three months to five years and a fine of 200¹⁵⁶ to 1,000 dirhams or one of these two penalties only.

SECTION II BIS DISCRIMINATION157**Article 431-1**

Discrimination constitutes any distinction made between natural persons on the basis of national or social origin, colour, sex, family status, state of health, disability, political opinion, union membership, membership or non-membership, real or supposed, of a given ethnic group, nation, race or religion.

Also constitutes discrimination any distinction made between legal persons on the basis of origin, sex, family status, state of health, disability, political opinions, trade union activities, membership or non-belonging, real or supposed, to a specific ethnic group, nation, race or religion of the members or certain members of these legal entities.

155 - Ibid.

156 - Ibid.

157 - Section added by article six of law n° 24-03 amending and supplementing the penal code, cited above.

Article 431-2

The discrimination defined in article 431-1 above is punishable by imprisonment of one month to two years and a fine of one thousand two hundred to fifty thousand dirhams, when it consists of:

- to refuse the supply of goods or services;
- to hinder the normal exercise of any economic activity; - to refuse to hire, to sanction or to dismiss a person;
- to make the supply of goods or a service or the offer of a job subject to a condition based on one of the elements referred to in Article 431-1.

Section 431-3

Without prejudice to the penalties applicable to its managers, the legal person is punished, when it commits an act of discrimination as defined in article 431-1 above, by a fine of one thousand two hundred to fifty thousand dirhams.

Section 431-4

Discrimination sanctions are not applicable in the following cases:

- 1) discrimination based on the state of health, when they consist of operations aimed at preventing and covering the risk of death, risks affecting the physical integrity of the person or risks of incapacity work or disability;
- 2) discrimination based on state of health or disability, when it consists of a refusal to hire or a dismissal based on medically established incapacity either within the framework of labor legislation, or within the framework of civil service statutes; 3) to discrimination based, in terms of hiring, on sex when belonging to one or

the other sex constitutes, in accordance with labor legislation or the statutes of the public service, the determining condition of the exercise of a job or professional activity.

SECTION III HOMICIDE AND INVOLUNTARY INJURIES

(Items 432 to 435)

Section 432

Anyone who, by clumsiness, imprudence, inattention, negligence or non-observance of the regulations, involuntarily commits homicide or is involuntarily the cause thereof is punished by imprisonment from three months to five years and a fine of 250 to 1,000 dirhams.

Section 433

Anyone who, by clumsiness, imprudence, inattention, negligence or non-observance of the regulations, involuntarily causes injuries, blows or illnesses resulting in a personal incapacity for work of more than six days is punished by imprisonment from one month to two years and a fine of 200¹⁵⁸ to 500 dirhams or one of these two penalties only.

Section 434

The penalties provided for in the two preceding articles are doubled when the author of the offense has acted in a state of intoxication, or has attempted, either by fleeing, or by modifying the inventory, or by any other means, to escape any criminal or civil liability that he might incur.

Section 435

Anyone who, in the cases provided for in articles 607 and 608, 5°, unintentionally causes a fire which results in the death of one or more persons or causes them injury, is guilty of homicide or involuntary injury and punished as such in application of the previous three articles.

158 - see supra note corresponding to article 111.

**SECTION IV ATTACKS CAUSED BY INDIVIDUALS TO
INDIVIDUAL FREEDOM, OF THE TAKING OF HOSTAGES AND OF
INVIOABILITY OF THE HOME¹⁵⁹**

(Items 436 to 441)

Item 436160

Those who, without an order from the constituted authorities and except where the law allows or orders the seizure of individuals, kidnap, arrest, detain or sequester any person, are punished with imprisonment of five to ten years.

If the detention or sequestration lasted thirty days or more, the penalty is imprisonment for ten to twenty years.

If the arrest, or the abduction was carried out either with the wearing of a uniform or a regulation badge or appearing such in the terms of article 384, or under a false name or on a false order of the public authority or with the use of a means of motorized transport, or with threats of a crime against persons or property, the penalty is imprisonment for twenty to thirty years.

The penalty provided for in the 3rd paragraph above is applicable when the person who committed the act is one of the persons exercising public authority or one of the persons provided for in article 225 of this code if the act is committed to achieve a goal or satisfy personal desires .

Item 437162

If the purpose of the abduction, arrest, detention or confinement was to provide the perpetrators with hostages, either to prepare or

159 - Heading of section amended and supplemented by article 1 of the dahir laying down law n° 1-74-232 of 28 rebia II 1394 (21 May 1974) modifying and supplementing section IV of chapter VII and chapter IX of title I of book III of the penal code, Official Bulletin n° 3214 of 14 jounada I 1394 (June 5, 1974), p. 927.

160 - Article amended and supplemented by article 1 of the dahir laying down law n° 1-74-232, cited above.

161 - Paragraph added by article two of law n° 24-03 amending and supplementing the penal code, cited above.

162 - Article amended and supplemented by article 1 of the dahir laying down law n° 1-74-232, cited above.

facilitate the commission of a crime or misdemeanor, either to encourage flight or ensure impunity for the perpetrators of a crime or misdemeanor, the penalty is life imprisonment.

The same applies if the purpose of these acts was the execution of an order or the fulfillment of a condition and in particular the payment of a ransom.

Item 438163

If the abducted, arrested, detained or kidnapped person has been subjected to bodily torture, the culprits are, in all the cases provided for in the preceding articles, punished by death.

Item 439164

The penalties enacted in articles 436, 437 and 438 are applicable according to the procedures provided for in the said articles, to those who knowingly provide either a place to detain or confine the victims, or a means of transport having been used for their travels.

Item 440165

Any culprit who, spontaneously, has stopped the detention or sequestration, benefits from a mitigating excuse within the meaning of article 143 of this code, according to the following modalities:

1° in the cases provided for in Articles 437 and 439, if the person arrested, abducted, detained or sequestered as a hostage is released in good health before the fifth day following that of the arrest, abduction, detention or sequestration, the penalty is reduced imprisonment for five to ten years.

This excuse is applicable, if the criminal acts having had as their aim the execution of an order or the fulfillment of a condition, the release took place without the order having been executed or the condition fulfilled; 2° in the cases provided for

in articles 436 and 439:

163 - Ibid.

164 - Ibid.

165 - Ibid.

If the detained or kidnapped person has been released, in good health, less than ten days from the day of the arrest, kidnapping, detention or kidnapping, the penalty is imprisonment from one to five years.

If this release took place between the tenth day and the thirtieth day since the arrest, abduction, detention or sequestration, the penalty is imprisonment for five to ten years.

In the case where the person released spontaneously had previously been subjected to ill-treatment under the terms of article 438, the penalty is imprisonment for ten to twenty years.

Section 441

Anyone who by fraud or using threats or violence against persons or things enters or attempts to enter the home of another is punished by imprisonment of one to six months and a fine from 200¹⁶⁶ to 250 dirhams.

If the home invasion was committed either at night, or with the help of climbing or breaking and entering, or by several people, or with the carrying of a visible or concealed weapon by one or more of the perpetrators, the Imprisonment is from six months to three years and the fine from 200¹⁶⁷ to 500 dirhams.

SECTION V ATTACKS ON HONOR AND CONSIDERATION OF PERSONS AND VIOLATION OF SECRETS

(Items 442 to 448)

Section 442

Any allegation or imputation of a fact which undermines the honor or consideration of the persons or of the body to which the fact is imputed, is defamation.

166 - see supra note corresponding to article 111.

167 - Ibid.

Section 443

Any offensive expression, term of contempt or invective that does not contain the imputation of any fact, is an insult.

Section 444

Any defamation or public insult is repressed in accordance with Dahir No. 1-58-378 of 3 Jourmada I 1378 (November 15, 1958) forming the press code 168 .

168 - See the provisions of section III of chapter IV of the press code as amended and supplemented by law n° 77-00 promulgated by dahir n° 1-02-207 of 25 rejab 1423 (3 October 2002) , cited above, and which are as follows: **Article**

44 : Any allegation or imputation of a fact which undermines the honor or consideration of the persons or the body to which the fact is imputed is defamation.

Any outrageous expression, term of contempt undermining dignity or invective which does not contain the imputation of any fact is an insult.

Is punished, the direct publication or by way of reproduction of this defamation or insult, even if it is made in doubtful form or if it targets a person or a body not expressly named, but whose identification is made possible by the terms of speeches, cries, threats, writings or printed matter, placards or posters incriminated.

Article 45 : Defamation committed by one of the means set out in article 38 against the courts, tribunals, land, sea or air forces, constituted bodies, public administrations of Morocco shall be punished by imprisonment from one month to one year and a fine of 1,200 to 100,000 dirhams or one of these two penalties only.

Article 46 : Shall be punished with the same penalties defamation committed by the same means on account of their function or their quality towards one or more ministers, a civil servant, a depositary or agent of public authority, any person in charge of a service or a public mandate, temporary or permanent, an assessor or a witness because of his deposition.

Defamation against the same persons concerning their private life is punishable by the penalties provided for in article 47 below.

Article 47 : Defamation committed against individuals by one of the means set out in Article 38 is punishable by imprisonment of one month to six months and a fine of 10,000 to 50,000 dirhams or one of these two penalties only.

Article 48 : The insult committed by the same means against the bodies and persons designated by articles 45 and 46 is punished by a fine of 50,000 to 100,000 dirhams.

The insult committed in the same way towards individuals when it has not been preceded by any provocation will be punished by a fine of 5,000 to 50,000 dirhams.

Article 51 : Anyone who has sent by the administration of the posts and telegraphs or by other electronic means an uncovered correspondence, containing a defamation either towards individuals, or towards the bodies or persons designated in articles 41, 45, 46, 52 and 53 will be punished with a maximum imprisonment of one month and a fine of 1,200 to 5,000 dirhams or one of these two penalties only.

If the correspondence contains an insult, this expedition will be punished by imprisonment of six days to two months and a fine of 200 to 1,200 dirhams.

Section 445

Anyone who has, by any means whatsoever, made a slanderous denunciation against one or more individuals to officers of the court or administrative or judicial police, or to authorities having the power to take action thereon or to seize the competent authority or again, to the hierarchical superiors or to the employers of the denounced, is punished by imprisonment of six months to five years and a fine of 200 to 1,000 dirhams; the trial court may, in addition, order the insertion of its decision, in full or by extract, in one or more newspapers and at the expense of the convicted person.

If the fact denounced is liable to criminal or disciplinary sanction, the proceedings for the count of slanderous denunciation may be initiated under this article either after judgment or judgment of acquittal or acquittal, or after order or judgment of non-suit, or after classification of the denunciation by the magistrate, official, higher authority or employer, competent to give it the follow-up that it was likely to include.

The court seised under this article is required to stay to decide whether proceedings concerning the denounced fact are pending.

Section 446

Physicians, surgeons or health officers, as well as pharmacists, midwives or any other persons in possession, by status or profession or by permanent or temporary functions, of the secrets entrusted to them, who, except in the case where the law obliges or authorizes them to act as whistleblowers, have revealed these secrets, are punishable by imprisonment of one month to six months and a fine of one thousand two hundred to twenty thousand dirhams.

However, the persons listed above do not incur the penalties provided for in the preceding paragraph:

When it comes to the facts provided for in article 41, the penalty will be imprisonment of one month to six months and a fine of 1,200 to 5,000 dirhams.

Article 51 bis : Anyone who publishes allegations, facts or photographs infringing the privacy of third parties will be punished by imprisonment of one month to six months and a fine of 5,000 to 20,000 dirhams or one of these two penalties only 169 - cf. supra note corresponding to article 111.

1° When, without being required to do so, they denounce abortions of which they have become aware during the exercise of their profession or their functions;

2° When they report to the competent judicial or administrative authorities the criminal acts and the acts of ill-treatment or deprivation perpetrated against children under the age of eighteen or by one of the spouses against the other or against a woman¹⁷⁰ and of which they became aware during the exercise of their profession or their functions.

Summoned in court for cases relating to the offenses referred to above, the said persons remain free to provide their testimony or not¹⁷¹¹⁷².

Section 447

Any director, clerk, factory worker, who has communicated or attempted to communicate to foreigners or Moroccans residing in a foreign country the secrets of the factory where he is employed, is punished by imprisonment for two to five years and a fine of 200¹⁷³ to 10,000 dirhams.

If these secrets have been communicated to Moroccans residing in Morocco, the penalty is imprisonment from three months to two years and a fine from 200¹⁷⁴ to 250 dirhams.

The maximum of the penalty provided for by the two preceding paragraphs is obligatorily incurred if it is a question of manufacturing secrets of arms and munitions of war belonging to the State.

In all cases, the culprit may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40.

170 - Article supplemented by article two of law n° 24-03 amending and supplementing the penal code, cited above.

171 - Compare with the version of paragraph 3 of article 446 in Arabic.

172 - Provisions of the second paragraph of article 446 amended and supplemented by the single article of law n° 11-99 promulgated by dahir n° 1-99-18 of 18 chaoual 1419 (February 5, 1999), Official Bulletin no. 4682 of 28 hija 1419 (15 April 1999), p. 201. 173 - cf.

supra note corresponding to article 111.

174 - Ibid.

Section 448

Anyone who, except in the cases provided for in article 232, in bad faith, opens or deletes letters or correspondence addressed to third parties, is punished by imprisonment from one month to one year and a fine of 200,175 to 500 dirhams or one of these two penalties only.

CHAPTER VIII CRIMES AND OFFENSES AGAINST FAMILY ORDER AND PUBLIC MORALITY:

(Items 449 to 504)

SECTION I ABORTION _

(Items 449 to 458)

Section 449

Anyone who, by food, drink, medicine, maneuvers, violence or by any other means, has procured or attempted to procure the abortion of a pregnant or presumed pregnant woman, whether she has consented to it or not, is punished by imprisonment of one to five years and a fine of 200176 to 500 dirhams.

If death is the result, the penalty is imprisonment for ten to twenty years.

Section 450

If it is established that the culprit habitually engaged in the acts referred to in the preceding article, the prison sentence is doubled in the case provided for in the first paragraph, and the prison sentence increased from twenty to thirty years. in the case provided for in paragraph 2.

In the event that under the provisions of article 449 or of this article, a criminal penalty is only incurred, the culprit may, in addition, be struck for five years at least and ten years at most of the prohibition of one or more of the rights mentioned in article 40 and the stay ban.

175 - Ibid.

176 - Ibid.

Section 451

Doctors, surgeons, health officers, dentists, midwives, moualidat, pharmacists, as well as medical or dental students, pharmacy students or employees, herbalists, bandagers, dealers in surgical instruments, nurses, masseurs , healers and qablat, who have indicated, favored or practiced the means of procuring abortion are, depending on the case, punished by the penalties provided for in articles 449 or 450 above.

The prohibition to exercise the profession provided for in article 87 is, moreover, pronounced against the culprits, either temporarily or permanently.

Section 452

Anyone who contravenes the prohibition to exercise his profession pronounced under the last paragraph of the preceding article is punished by imprisonment for at least six months and at most two years and a fine of 500 to 5,000 dirhams or one of these two penalties only.

Item 453177

Abortion is not punished when it constitutes a necessary measure to safeguard the health of the mother and when it is openly practiced by a doctor or a surgeon with the authorization of the spouse.

If the practitioner considers that the life of the mother is in danger, this authorization is not required. However, notice must be given by him to the chief medical officer of the prefecture or the province.

In the absence of a spouse, or when the spouse refuses to give his or her consent or is prevented from doing so, the doctor or the surgeon cannot proceed with the surgical intervention or employ a therapy likely to lead to the termination of the pregnancy 'after written advice from the chief medical officer of the prefecture or province

177 - Article amended by Article 1 of Royal Decree No. 181-66 of 22 Rebia I 1387 (July 1, 1967) enacting the law amending Article 453 of the Penal Code, supplementing Article 455 of the same code and repealing the Dahir of 22 jounada I 1358 (July 10, 1939), Official Bulletin n° 2854 of July 12, 1967, p. 773.

certifying that the health of the mother can only be safeguarded by means of such treatment.

Section 454

A woman who has intentionally had an abortion or attempted to do so or who has consented to use means indicated to her or administered for this purpose.

Item 455179

Is punished by imprisonment from two months to two years and a fine of 200,180 to 2,000 dirhams or one of these two penalties only, whoever: Either by speeches made in

public places or meetings; Either by sale, offering for sale, or offer, even non-public, or by display, display or distribution on the public highway or in public places, or by home distribution, delivery in tape or in a closed or unclosed envelope, by post, or to any distribution or transport agent, of books, writings, printed matter, announcements, posters, drawings, images and emblems; Either by the advertising of medical or so-called medical practices, provoked the abortion, even though the provocation was not followed by effect.

Is punished with the same penalties, anyone who has sold, offered for sale or caused to be sold, distributed or caused to be distributed, in any way whatsoever, any remedy, substance, instrument or object whatsoever, knowing that they were intended to commit abortion., even when these remedies, substances, instruments or any objects proposed as effective means of abortion, would, in reality, be unable to achieve it.

However, when the abortion has been consummated following the maneuvers and practices provided for in the preceding paragraph, the penalties of

178 - see supra note corresponding to article 111.

179 - Article supplemented by article 2 of the aforementioned royal decree n° 181-66.

180 - Ibid.

article 449 of the penal code will be applied to the authors of said maneuvers or practices.

Section 456

Any conviction for one of the offenses provided for in this section entails, as of right, the prohibition to exercise any function, and to fill any employment, in any capacity whatsoever, in clinics or birthing centers and all establishments public or private usually receiving for payment or free of charge, and in any number, women in a real, apparent or presumed state of pregnancy.

Any conviction for attempt or complicity in the same offenses entails the same prohibition.

Section 457

In the event of a conviction pronounced by a foreign court and which has become res judicata for an offense constituting, according to Moroccan law, one of the offenses specified in this section, the correctional court of the domicile of the convicted declares, at the request of the public prosecutor, the interested party duly summoned to the council chambers, that there is reason to apply the prohibition provided for in the preceding article.

Section 458

Anyone who contravenes the prohibition imposed on him pursuant to articles 456 or 457 is punished by imprisonment of six months to two years and a fine of 200¹⁸¹ to 1,000 dirhams or one of these two penalties only.

SECTION II EXPOSURE AND RELEASE OF CHILDREN OR DISABLED

(Items 459 to 467)

Section 459

Anyone who exposes or leaves in a solitary place, a child under the age of fifteen or an incapable person, unable to protect himself

181 - see supra note corresponding to article 111.

even because of his physical or mental state, is, for this sole fact, punished by imprisonment from one to three years¹⁸² .

If the exposure or abandonment resulted in illness or incapacity lasting more than twenty days, the penalty is imprisonment for two to five years.

If the child or the incapable person remains mutilated or crippled, or if he remains affected by a permanent infirmity, the penalty is imprisonment for five to ten years.

If the exposure or neglect has caused death, the penalty is imprisonment for ten to twenty years.

Section 460

If the culprits are the ascendants or any other person having authority over the child or the incapable person, or having custody of it, the penalty:

Is imprisonment from two to five years in the cases provided for in the 1st paragraph of the preceding article;

-Is increased to double that enacted by paragraph 2 of this article in the case provided for in the said paragraph;

Is imprisonment for ten to twenty years in the case provided for in the 3rd paragraph of the said article;

Is the imprisonment of twenty to thirty years in the case provided for in the 4th paragraph of the said article.

Section 461

Anyone who exposes or abandons in a non-solitary place, a child under the age of fifteen or an incapable person unable to protect himself because of his physical or mental state, is, for this sole fact, punished by imprisonment. from three months to a year .

If the exposure or abandonment results in illness or incapacity lasting more than twenty days, the penalty is imprisonment for six months to two years.

¹⁸² - 1^{er} paragraph modified by article 1 of law n° 24-03 modifying and supplementing the code penal, cited above.

¹⁸³ - 1^{er} paragraph modified by article 1 of law n° 24-03 modifying and supplementing the code penal, cited above.

If the child or the incapable person has remained mutilated or crippled or if he has remained suffering from a permanent infirmity, the penalty is imprisonment for two to five years.

If death has been caused, the penalty is imprisonment from five to ten years.

Section 462

If the culprits are the ascendants or any other person having authority over the child or the incapable person or having custody thereof, the penalty:

Is imprisonment from six months to two years in the case provided for in the 1st paragraph of the preceding article;

Is imprisonment from one to three years in the case provided for in paragraph 2 of said item;

Is doubled in the case provided for in paragraph 3 of the said article;

Is the imprisonment of five to twenty years in the case provided for in paragraph 4 of said article.

Section 463

If the death was caused with the intention of causing it, the culprit is punished, as the case may be, with the penalties provided for in articles 392 to 397.

Section 464

In the case where, by virtue of articles 459 to 462, a criminal penalty is only incurred, the culprit may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 of this code.

Section 465

Anyone who takes to a charitable institution a child under the age of seven who had been entrusted to him to take care of it or for any other reason is punished by imprisonment from one to six months and a fine of 200184 2,000 dirhams or only one of these two penalties.

184 - see supra note corresponding to article 111.

However, no penalty is incurred if the author of this abandonment was not required or was not obliged to provide free food and maintenance for the child and if no one had provided for it. .

Section 466

Is punished by imprisonment of one to six months and a fine of 200,185 to 5,000 dirhams anyone who in a spirit of gain:

1° Causes the parents or one of them to abandon their born or unborn child;

2° Brings or tries to bring his intermediary to make collect or adopt a born or unborn child.

Section 467

Is punishable by imprisonment of one to six months and a fine of 200,186 to 5,000 dirhams any person who: 1° Causes

or attempts to have signed, by the future parents or one of them, an act under which they undertake to give up an unborn child;

2° Holds such an instrument, or makes use of it or attempts to make use of it.

Section 467-1187

Any person who sells or acquires a child under the age of eighteen is punished by imprisonment for two to ten years and a fine of five thousand to two million dirhams.

Sale of children means any act or transaction involving the transfer of a child from one or more persons to one or more other persons for consideration of any kind whatsoever.

The penalty provided for in the first paragraph of this article is applicable to anyone who:

185 - Ibid.

186 - Ibid.

187 - Section II of chapter VIII of title I of book III of this code supplemented by articles from 467-1 to 467-4 added by article four of law n° 24-03 modifying and supplementing the penal code, cited above .

- causes the parents or one of them, the kafil, the testamentary guardian, the dative guardian, the person having authority over him or the person responsible for his protection to sell a child under eighteen years of age, assisting or facilitating such sale; - acts as an intermediary, facilitates or assists in the sale or purchase, by any means whatsoever, of a child under the age of eighteen years.

The attempt of these acts is repressed with the same penalty as that provided for the completed offence.

The judgment may pronounce against the condemned person, the deprivation of one or more rights provided for in article 40 and the prohibition of residence for five to ten years.

Article 467-2

Without prejudice to more serious penalties, is punishable by imprisonment of one to three years and a fine of five thousand to twenty thousand dirhams, anyone who exploits a child under fifteen years of age for the exercise of work forced, acts as an intermediary, or provokes this exploitation¹⁸⁸.

Forced labor means, within the meaning of the preceding paragraph, the fact of forcing a child to carry out work prohibited by law or to carry out work prejudicial to his health, his safety, his morals or his training.

Article 467-3

Anyone who attempts to commit the acts provided for in Articles 467-1 and 467-2 is punished with the same penalty provided for the consummated offence.

Article 467-4

The provisions of article 464 of this code are applicable to the perpetrators of the offenses punishable in articles 467-1 to 467-3.

¹⁸⁸ - Corrigendum to "Official Bulletin" n° 5178 of 22 kaada 1424 (January 15, 2004), pages 116 and 117, published in Official Bulletin n° 5188 of 28 hija 1424 (February 19, 2004), p. 310.

SECTION III CRIMES AND OFFENSES TENDING TO PREVENT IDENTIFICATION OF THE CHILD

(Items 468 to 470)

Section 468

In cases where the declaration of birth is compulsory, are punished by imprisonment of one to two months and a fine of 120,189 to 200 dirhams if they have not done so within the time limit set by law, the father or in his absence, the doctors, surgeons, health officers, midwives, moualidat, qablat or other persons who attended the birth or, in the case of birth outside the mother's home, the person with whom this childbirth took place¹⁸⁹ .

¹⁸⁹ - After the minimum criminal fine had been increased to 200 dirhams under article 2 of law n° 3-80 amending certain provisions of the aforementioned penal code, the minimum fine provided for by this article became equivalent to the maximum.

¹⁹⁰ - Compare with the provisions of Articles 31, 16 and 24 of Law No. 37-99 on civil status promulgated by Dahir No. 1-02-239 of 25 Rejeb 1423 (October 3, 2002), Official Bulletin no. 5054 of 2 Ramadan 1423 (7 November 2002), p. 1193.

Article 31 : Any person on whom falls the obligation to declare a birth or a death by virtue of articles 16 and 24 and who does not do so within the legal period is punished by a fine of 300 to 1,200 dirhams.

Article 16 : The birth is declared to the civil registrar of the place where it took place by the close relatives of the newborn in the following order:

- The father or the mother;
- The testamentary guardian;
- Brother;
- The nephew.

The full brother has priority over the consanguineous brother and the latter over the uterine brother. Likewise, the oldest has priority over the youngest, as long as he has sufficient capacity to declare.

The reporting obligation passes from one of the persons referred to in the paragraph above to the one following him in the order, when he is prevented from doing so for any reason.

The agent acts for this purpose in place of the principal.

In the case of a newborn of unknown parents or abandoned after childbirth, the Crown prosecutor, acting on his own initiative or at the request of the local authority or any interested party, proceeds to the declaration of the birth, supported by a report drawn up for this purpose and a medical certificate determining approximately the age of the newborn. A surname and first name are chosen for him as well as parents' first names or a father's first name if the mother is known. The registrar indicates in the margin of the birth certificate that the surname and first name of the parents or the father, as the case may be, were chosen for him in accordance with the provisions of this law.

Section 469

Anyone who finds a newborn child does not declare it either to the civil registrar or to the local authority, is punished by imprisonment of one to two months and a fine. from 120191 to 200 dirhams ~~or only one of these two~~ penalties.

Section 470

Those who knowingly, under conditions likely to make its identification impossible, move a child, conceal it, cause it to disappear, or substitute another child for it, or materially present it as born of a woman who has not given birth, shall be punished by imprisonment from two to five years.

If it is not established that the child lived, the penalty is imprisonment for three months to two years.

The civil registrar informs the public prosecutor of the birth thus registered, within three days from the date of the declaration.

The child of an unknown father is declared by the mother or by the person taking her place, she chooses a first name for him, a first name of the father including the epithet "Abd" as well as a family name which is specific to him.

Mention is made in the margin of the birth certificate of the child in charge of "Makfoul" of the document under which the Kafala is awarded in accordance with the legislation in force.

Article 24 : Death is declared to the registrar of the place where it occurs, by the following persons

in the order: - The son; - The

spouse;

- The father,

the mother, the testamentary tutor or the dative tutor of the deceased during his lifetime;

- The kafala attendant for the person subject to kafala; -

Brother; -

Grand father; -

The next next of kin, in order.

The same provisions provided for in article 16 above apply with regard to priority, transmission of the duty to declare and power of attorney.

In the absence of all the aforementioned persons, the local authority informs the civil registrar of this death, supporting documents required.

191 - After the minimum criminal fine had been increased to 200 dirhams under article 2 of law n° 3-80 amending certain provisions of the aforementioned penal code, the minimum fine provided for by this article became equivalent to the maximum.

If it is established that the child has not lived, the culprit is punished by imprisonment of one to two months and a fine of one thousand two hundred to one hundred thousand dirhams or one of these two penalties only.

The penalty provided for in the first paragraph of this article is doubled when the perpetrator is an ascendant of the child, a person responsible for his protection, or having authority over him¹⁹².

SECTION IV ABDUCTION AND RELEASE REPRESENTATION OF MINORS

(Items 471 to 478)

Section 471

Anyone who, by violence, threats or fraud, abducts or causes to be abducted a minor of eighteen years of age or drags, diverts or moves him, or causes him to be dragged, diverted or moved from the places where he was placed by those in authority or the direction of which he was submitted or entrusted, is punished by imprisonment from five to ten years.

Section 472

If the minor thus abducted or diverted is under the age of twelve, the penalty is imprisonment for ten to twenty years.

However, if the minor is found alive before the judgment of conviction, the penalty is imprisonment for five to ten years.

Section 473

If the culprit is paid or has intended to be paid a ransom by the persons under whose authority or supervision the minor was placed, the penalty, whatever the age of the minor, is life imprisonment.

However, if the minor is found alive before the judgment of condemnation has been rendered, the penalty is imprisonment for ten to twenty years.

192 - Article supplemented by article two of law n° 24-03 amending and supplementing the penal code, cited above.

Section 474

In the cases provided for in Articles 471 to 473, kidnapping is punishable by death if it was followed by the death of the minor.

Section 475

Anyone who, without violence, threats or fraud, kidnaps or hijacks, or attempts to kidnap or hijack, a minor under the age of eighteen¹⁹³, is punished by imprisonment of one to five years and a fine of 200¹⁹⁴ at 500 dirhams.

When a nubile minor thus abducted or misappropriated has married her abductor, the latter can only be prosecuted on the complaint of persons having standing to request the annulment of the marriage and can only be sentenced after this annulment of the marriage has been pronounced.

Section 476

Whoever being responsible for the custody of a child, does not represent it to the persons who have the right to claim it is punished by imprisonment from one month to one year.

Section 477

When it has been decided on the custody of a minor by court decision, provisionally enforceable or final, the father, mother or any person who does not represent this minor to those who have the right to claim him, or who, even without fraud or violence, removes or diverts it or causes it to be removed or diverted from the hands of those to whom its custody has been entrusted, or from the places where the latter have placed it, is punished by imprisonment for one month one year and a fine of 200¹⁹⁵ to 1,000 dirhams.

If the culprit had been declared deprived of paternal power, the imprisonment may be increased up to three years.

193 - Article amended by Article 1 of Law No. 24-03 amending and supplementing the Penal Code, cited

above. 194 - see supra note corresponding to article 111.

195 - Ibid.

Section 478

Except in the case where the fact constitutes a punishable act of complicity, anyone who knowingly hides or evades research, a minor who has been kidnapped or embezzled or who evades the authority to which he is legally subject, is punished by imprisonment from one to five years and a fine of 200¹⁹⁶ to 500 dirhams or one of these two penalties only.

SECTION V FAMILY ABANDONMENT 197

(Items 479 to 482)

Section 479

Is punishable by imprisonment from one month to one year and a fine from 200 to 2,000 dirhams or one of these two penalties only:

1° The father or the mother of the family who abandons without serious reason, for more than two months, the family residence and evades all or part of the obligations of a moral and material order resulting from the paternal power, from the guardianship, or of the guard.

The two-month period can only be interrupted by a return home implying the desire to resume family life definitively.

2° The husband who, knowing his wife is pregnant, abandons her voluntarily for more than two months, without a serious reason.

196 - Ibid.

197 - See the repressive provisions provided for in Articles 30 and 31 of Law No. 15-01 relating to the care (kafala) of abandoned children mentioned above:

Article 30: The provisions of the criminal code punishing parents **for** offenses that they commit against their children, apply to the person assuming kafala in the event of offenses committed against the child in care.

The provisions of the penal code punishing offenses committed by children against their parents apply to the child taken into care in the event of offenses committed against the person assuming kafala.

Article 31 : Any person who voluntarily refrains from providing an abandoned newborn with the assistance or care required by his condition or from informing the police, gendarmerie or local authorities of the place where he has been found, is liable to the penalties provided for by the penal code.

Section 480

Is punished with the same penalty, whoever, in defiance of a final or provisionally enforceable court decision, voluntarily omits to pay alimony to his spouse, his ascendants or his descendants on the due date.

In case of recidivism, the sentence of imprisonment is always imposed.

The alimony fixed by the judge must be provided to the residence of the recipient, unless decided otherwise .

Section 481

In addition to the courts normally competent, the court of the residence of the abandoned person or beneficiary of the pension, may hear proceedings instituted by virtue of the provisions of the two preceding articles.

Prosecutions can only be brought upon complaint by the abandoned person or beneficiary of the pension or his legal representative, with production of the title invoked. However, they are exercised ex officio by the public prosecutor when the perpetrator of the offense happens to be this legal representative.

They are preceded by formal notice from the debtor of the obligation or the pension to have to perform within fifteen days.

This formal notice is issued at the request of the Ministry public by a judicial police officer in the form of an interpellation.

If the debtor is on the run or has no known domicile, it is done mention by the judicial police officer and he ignored it.

Section 482

Are punished by imprisonment of one month to one year and a fine of 200199 to 500 dirhams, whether the forfeiture of paternal power is

198 - Article 202 of Law No. 70-03 relating to the aforementioned Family Code provides that: "The provisions relating to abandonment of the family are applicable to any person responsible for the maintenance of children and who ceases to ensure it, without valid reasons, for a maximum period of one month".

199 - see supra note corresponding to article 111.

pronounced or not pronounced with regard to them, the father and mother who seriously compromise by ill-treatment, by pernicious examples of drunkenness or notorious misconduct, by want of care or lack of necessary direction, either health or the safety or morality of their children or of one or more of them.

The culprits may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 of this code.

SECTION VI ATTACKS ON MORE

(Items 483 to 496)

Section 483

Anyone who, by his voluntary state of nudity or by the obscenity of his gestures or acts, commits a public outrage against indecent exposure is punished by imprisonment from one month to two years and a fine of 200,200 to 500 dirhams.

Contempt is considered public as soon as the act which constitutes it has been committed in the presence of one or more involuntary witnesses or minors under the age of eighteen, or in a place accessible to the public gaze.

Section 484

Any indecent assault committed or attempted without violence on the person of a minor under the age of eighteen, an incapable person, a handicapped person or a person known for low mental capacity, of either sex .

Section 485

Any indecent assault committed or attempted with violence against persons of either sex shall be punished by imprisonment of five to ten years.

200 - Ibid.

201 - Article amended by article two of law n° 24-03 amending and supplementing the penal code, cited above.

However, if the crime was committed on the person of a child under the age of eighteen, an incapable person, a handicapped person, or on a person known for his weak mental capacities, the culprit is punished by imprisonment. ten to twenty years .

Section 486

Rape is the act by which a man has sexual relations with a woman against her will. He is punished with imprisonment of five to ten years.

However, if the rape was committed on the person of a minor under the age of eighteen, of an incapable person, of a handicapped person, of a person known to have weak mental faculties, or of a pregnant woman, the penalty is imprisonment for ten to twenty years .

Section 487

If the culprits are the ascendants of the person on whom the attack was committed, if they are among those who have authority over him, if they are his guardians or his hired servants, or the hired servants of the persons above designated, if they are civil servants or ministers of a religion, or if the culprit whoever he is, was helped in his attack by one or more people, the penalty is:

Imprisonment from five to ten years, in the case provided for in article 484;

Imprisonment from ten to twenty years, in the case provided for in article 485, paragraph 1;

Imprisonment of twenty to thirty years, in the case provided for in article 485, paragraph 2;

Imprisonment from ten to twenty years, in the case provided for in article 486, paragraph 1;

Imprisonment of twenty to thirty years, in the case provided for in article 486, paragraph 2.

Section 488

In the case provided for in Articles 484 to 487, if defloration ensues, the penalty is:

202 - Ibid.

203 - Ibid.

Imprisonment from five to ten years, in the case provided for in article 484;

Imprisonment from ten to twenty years, in the case provided for in article 485, paragraph 1;

Imprisonment of twenty to thirty years, in the case provided for in article 485, paragraph 2;

Imprisonment from ten to twenty years, in the case provided for in article 486, paragraph 1;

Imprisonment of twenty to thirty years, in the case provided for in article 486, paragraph 2.

However, if the culprit falls within the category of those listed in article 487, the maximum penalty provided for in each of the paragraphs of the said article is still incurred.

Attentats aux mœurs

Qualification	Peine encourue	Circonstances aggravantes		
		Age de la victime	(Défloration) ou (qualité de l'auteur) (art. 488) ou réunion (art. 487)	Réunion des deux (défloration et qualité de l'auteur) (art. 488)
Outrage public à la pudeur (art. 483).	Emprisonnement d'un mois à deux ans et amende de 200* à 500 dirhams.			
Attentat sans violences sur mineur de quinze ans (art. 484).	Emprisonnement de deux à cinq ans.		Réclusion de cinq à dix ans.	Maximum de la réclusion encourue.
Attentats avec violences.	Réclusion de cinq à dix ans (art. 485, al. 1).		Réclusion de dix à vingt ans.	id
		- Réclusion de dix à vingt ans si la victime est âgée de moins de 18 ans** ou s'il s'agit d'un incapable, d'un handicapé ou d'une personne connue pour ses capacités mentales faibles (art. 485, al. 2).	Réclusion de vingt à trente ans.	id
Viol.	Réclusion de cinq à dix ans (art. 486, al. 1).		Réclusion de dix à vingt ans.	id
		- Réclusion de dix à vingt ans si la victime est âgée de moins de 18 ans*** ou s'il s'agit d'une incapable, d'une handicapée ou d'une personne connue pour ses capacités mentales faibles ou si elle est enceinte.	Réclusion de vingt à trente ans.	id

* Le minimum de l'amende a été porté de 120 à 200 dirhams en vertu de la loi n° 3-80 susvisée.

** La loi n° 24-03 modifiant et complétant le code pénal a porté l'âge de la victime de 15 à 18 ans et a ajouté l'incapable, l'handicapé et la personne connue pour ses capacités mentales faibles.

*** La loi n° 24-03 modifiant et complétant le code pénal a porté l'âge de la victime de 15 à 18 ans et a ajouté l'incapable, l'handicapée et la personne connue pour ses capacités mentales faibles.

Section 489

Is punished by imprisonment from six months to three years and a fine of 200204 to 1,000 dirhams, unless the fact does not constitute a more serious offence, anyone who commits an immodest or unnatural act with an individual of his sex.

Section 490

Are punished by imprisonment from one month to one year, all persons of different sex who, not being united by the bonds of marriage, have sexual relations with each other.

Section 491

Any married person convicted of adultery is punished by imprisonment for one to two years. The lawsuit is exercised only on complaint of the offended spouse.

However, when one of the spouses is removed from the territory of the Kingdom, the other spouse who, of public notoriety, maintains an adulterous relationship, may be prosecuted ex officio at the behest of the public prosecutor²⁰⁵.

Section 492

The withdrawal of the complaint by the offended spouse puts an end to the proceedings against his spouse for adultery.

The withdrawal occurring after a conviction has become irrevocable stops the effects of this conviction with regard to the convicted spouse.

The withdrawal of the complaint never benefits the accomplice of the adulterous spouse.

Section 493

Proof of the offenses punishable by Articles 490 and 491 is established either by a report of a finding of flagrante delicto drawn up by a

204 - see supra note corresponding to article 111.

205 - Article amended by Article 1 of Law No. 24-03 amending and supplementing the Penal Code, cited above.

judicial police officer, either by the confession related in letters or documents emanating from the defendant or by the judicial confession.

Section 494

Is punished by imprisonment of one to five years and a fine of 200206 to 1,000 dirhams whoever, by fraud, violence or threats, abducts a married woman, diverts her, moves or causes her to be diverted or moved from the places where she was placed by those under whose authority or direction it was subject or entrusted.

The attempted crime is punishable like the crime itself.

Section 495

Anyone who knowingly conceals or conceals from research a married woman who has been abducted or embezzled is punished by imprisonment of one to five years and a fine of 200,207 to 1,000 dirhams.

Section 496

Is punished with the same penalty whoever knowingly conceals or conceals from research a married woman who evades the authority to which she is legally subject.

SECTION VII YOUTH AND CORRUPTION PROSTITUTION

(Items 497 to 504)

Section 497

Anyone who incites, promotes or facilitates the debauchery or prostitution of minors under the age of eighteen is punished by imprisonment for two to ten years and a fine of twenty thousand to two hundred thousand dirhams208 .

206 - see supra note corresponding to article 111.

207 - Ibid.

208 - Article amended by Article 1 of Law No. 24-03 amending and supplementing the Penal Code, cited above.

Section 498

Is punished by imprisonment of one to five years and a fine of five thousand to one million dirhams, unless the act constitutes a more serious offence, whoever knowingly:

- 1) in any way aids, assists, or protects the prostitution of others or soliciting for the purpose of prostitution;
- 2) in any form, knowingly, receives a share of the proceeds of prostitution or debauchery of another or receives subsidies from a person habitually engaged in prostitution or debauchery; 3) lives, knowingly, with a person indulging usually to prostitution;
- 4) engages, trains, delivers, protects, even with his consent or exerts pressure on a person with a view to prostitution or debauchery or with a view to continuing to practice prostitution or debauchery;
- 5) acts as an intermediary, in any capacity whatsoever, between persons engaged in prostitution or debauchery and individuals who exploit or remunerate the prostitution or debauchery of others;
- 6) helps one who exploits the prostitution or debauchery of others to provide false justifications of its financial resources;
- 7) finds himself unable to justify the source of his income, considering his standard of living while living with a person habitually engaged in prostitution or debauchery or maintaining suspicious relations with one or more persons engaged in prostitution or debauchery;
- 8) hinders the prevention, control, assistance or re-education actions undertaken by the sectors, bodies or organizations authorized for this purpose vis-à-vis persons who engage in prostitution or debauchery or who are exhibited there .

209 - Article amended and supplemented by article three of law n° 24-03 amending and supplementing the penal code, cited above.

Section 499

The penalties laid down in the preceding article are increased to imprisonment for two to ten years and a fine of ten thousand to two million dirhams when: 1) the offense

was committed against a minor of under eighteen years of age;

2) the offense was committed against a person in a difficult situation due to age, illness, disability or physical or mental weakness, or against a pregnant woman, whether her pregnancy is apparent or known to the culprit;

3) the offense was committed against more than one person; 4)

the perpetrator of the offense is one of the spouses or belongs to one of the categories listed in article 487 of this code; 5) the

infraction was caused by duress, abuse of authority, or fraud, or when means which allow photography, filming or recording were used.

6) the offense is committed by a person responsible, by virtue of his position, for participating in the fight against prostitution or debauchery²¹⁰, the protection of health and youth or the maintenance of public order; 7) the

perpetrator of the offense was carrying an apparent or concealed weapon;

8) the offense was committed by several people as perpetrators, co-perpetrators or accomplices without however constituting a gang;

9) the offense was committed through messages addressed through the means of communication either to an undetermined public or to specific persons²¹¹.

Section 499-1

The offenses provided for in article 499 above are punishable by imprisonment for ten to twenty years and a fine of one hundred thousand to

210 - Compare with the Arabic language version of paragraph 6 of the aforementioned article 499.

211 - Article amended and supplemented by article three of law n° 24-03 amending and supplementing the penal code, cited above.

three million dirhams if they are committed by a criminal association²¹².

Section 499-2

The offenses provided for in Articles 499 and 499-1 are punishable by life imprisonment if they are committed by torture or acts of barbarism²¹³.

Item 500

The penalties provided for in Articles 497 to 499 are incurred even though some of the acts which constitute the elements of the offense have been carried out outside the Kingdom.

Section 501

Is punished by imprisonment from four to ten years and a fine of five thousand to two million dirhams anyone who has committed himself or, through a third party, one of the following acts:

1) owning, managing, operating, directing, financing or participating in the financing of premises or establishments usually intended for debauchery or prostitution; 2) owning, managing,

operating, directing, financing or participating in the financing of any establishment open to the public or usually frequented by the public by accepting the habitual presence of a person or a group of persons engaged in debauchery or prostitution or seeking clients for this purpose within this establishment or its annexes, by tolerating these practices, or by encouraging sex tourism;

3) make premises or locations not used by the public or make them available to one or more persons knowing that they will be used for debauchery or prostitution.

The same penalty is applicable to the assistants of the persons mentioned in the preceding paragraphs of this article.

212 - Article added by article five of law n° 24-03 amending and supplementing the penal code, cited above.

213 - Ibid.

In all cases, the judgment must order the withdrawal of the license of which the convicted person is the beneficiary. It can also pronounce the temporary or permanent closure of the premises²¹⁴.

Section 501-1

When the perpetrator of the acts provided for in articles 497 to 503 is a legal person, it is punished by a fine of ten thousand to three million dirhams. The additional penalties and security measures provided for in article 127 of this code are applicable to it, without prejudice to the penalties to which its managers are liable²¹⁵.

Section 502

Is punished by imprisonment from one month to one year and a fine of twenty thousand to two hundred thousand dirhams²¹⁶ whoever, by gestures, words, writings or by any other means publicly solicits people from one or of the opposite sex with a view to provoking them to debauchery.

Section 503

Is punished by imprisonment from one month to two years and a fine of twenty thousand to two hundred thousand dirhams²¹⁷, unless the act constitutes a more serious offence, anyone who tolerates the habitual and clandestine exercise of debauchery by persons engaged in prostitution in premises or locations not used by the public, which he has at his disposal for any reason whatsoever.

Section 503 - 1

Is guilty of sexual harassment and punished by imprisonment of one to two years and a fine of five thousand to fifty thousand dirhams, whoever, by abusing the authority which confers on him his

214 - Article amended and supplemented by article three of law n° 24-03 amending and supplementing the penal code, cited above. Corrigendum to "Official Bulletin" n° 5178 of 22 kaada 1424 (January 15, 2004), pages 116 and 117, published in Official Bulletin n° 5188 of 28 hija 1424 (February 19, 2004), p. 310.

215 - Article added by article five of law n° 24-03 amending and supplementing the penal code, cited above.

216 - Article amended by Article 1 of Law No. 24-03 amending and supplementing the Penal Code, cited above.

217 - Ibid.

functions, harasses others by using orders, threats, coercion or any other means, with the aim of obtaining favors of a sexual nature²¹⁸ .

Section 503 - 2

Anyone who causes, incites or facilitates the exploitation of children under the age of eighteen in pornography by any representation, by any means, of a real, simulated or perceived sexual act or any representation of the sexual organs of a child for purposes of a sexual nature, is punishable by imprisonment of one to five years and a fine of ten thousand to one million dirhams.

The same penalty is applicable to anyone who produces, distributes, publishes, imports, exports, exhibits, sells or possesses similar pornographic materials.

These acts are punished even if their elements are committed outside the Kingdom.

The penalty provided for in the first paragraph of this article is doubled when the perpetrator is one of the child's ascendants, a person responsible for his protection or having authority over him.

The same penalty is applicable to attempts of these acts.

The judgment of conviction orders the confiscation and destruction of the pornographic materials.

The court may order the publication or display of the judgment.

In addition, the judgment may order, where appropriate, the withdrawal of the license of which the convicted person is the beneficiary. It can also order the temporary or permanent closure of the premises²¹⁹.

Section 504

In all cases, those guilty of the offenses provided for in this section may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 and the stay ban.

218 - Article added by article five of law n° 24-03 amending and supplementing the penal code, cited above.

219 - Ibid.

The attempt of these offenses is punishable by the same penalties as the offense consumed.

CHAPTER IX CRIMES AND OFFENSES AGAINST PROPERTY

(Items 505 to 607)

SECTION I THEFT AND EXTORTION

(Items 505 to 539)

Section 505

Anyone who fraudulently removes a thing belonging to others is guilty of theft and punished by imprisonment of one to five years and a fine of 200,220 to 500 dirhams.

Section 506

By way of derogation from the provisions of the preceding article, fraudulent embezzlement of a thing of low value belonging to others is qualified as larceny and punished by imprisonment from one month to two years and a fine of 200,221 to 250 dirhams.

Thefts committed with the aggravating circumstances provided for in articles 507 to 510 constitute thefts punishable by the penalties laid down in the said articles.

Section 507

Individuals guilty of theft are punished by life imprisonment, if the thieves or one of them was carrying, in an apparent or hidden manner, a weapon within the meaning of article 303, even if the theft was committed by a single person and in the absence of any other aggravating circumstance.

The same penalty is applicable if the culprits or one of them had the weapon in the motorized vehicle which took them to the scene of the offense or which they would have used to ensure their escape.

220 - see supra note corresponding to article 111.

221 - Ibid.

Section 508

Individuals guilty of theft committed on public roads or in vehicles used to transport passengers, correspondence or luggage, or within the enclosure of railways, stations, ports, airports, landing or boarding docks, when the theft was committed with at least one of the circumstances referred to in the following article.

Section 509

Individuals guilty of theft committed with at least two circumstances are punishable by imprisonment for ten to twenty years.
following:

If the theft was committed with violence, or threats of violence, or illegal wearing of a uniform, or usurpation of a position of authority;

If the theft was committed at night;

If the theft was committed in a meeting by two or more people;

If the theft was committed by means of climbing, exterior or interior break-in, underground opening, false keys, or breaking of seals, in a house, apartment, room or dwelling, inhabited or used for the dwelling or its outbuildings;

If the perpetrators of the theft have ensured the disposal of a vehicle motorized in order to facilitate their enterprise or encourage their escape;

If the perpetrator is a servant or hired servant, even when he committed the theft from persons whom he did not serve, but who were either in the house of his employer or in that where he accompanied him ;

If the thief is a worker or apprentice, in the house, workshop or store of his employer or if he is an individual who usually works in the dwelling where he stole.

Section 510

Are punished by imprisonment of five to ten years the guilty individuals of theft committed with only one of the following circumstances:

If the theft was committed with violence, or threats of violence, or illegal wearing of a uniform, or usurpation of a position of authority;

If the theft was committed at night;

If the theft was committed in a meeting, by two or more people;

If the theft was committed with the help of climbing, exterior or interior break-in, underground opening, false keys or breaking of seals, even in a building not used for habitation;

If the theft was committed during a fire or after an explosion, a collapse, a flood, a shipwreck, a revolt, a riot or any other disturbance;

If the theft related to an object which ensured the security of any means of transport, public or private.

Section 511

Is deemed to be an inhabited house, any building, dwelling, lodge, tent, even mobile cabin, which, even without being currently inhabited, is intended for habitation and all that depends on it such as courtyards, backyards, barns, stables, buildings which are enclosed there, whatever their use and even if they would have a particular enclosure within the enclosure or general enclosure.

Section 512

Breaking in is qualified as the act of forcing or attempting to force any closing system either by breaking or damaging it, or in any other way in order to allow a person to enter a closed place, or to seize of a thing contained in a closed place or in a piece of furniture or closed container.

Section 513

Is qualified as climbing, any entry into houses, buildings, courtyards, backyards, any buildings, gardens, parks and enclosures, carried out over walls, doors, roofs or any other fence.

Section 514

Are qualified false keys, all hooks, keys imitated, counterfeited or altered or which were not intended by the owner or tenant with the unspecified closings to which the culprit employed them.

Is also considered as false key, the real key unduly withheld by the culprit.

Section 515

Anyone who forges or alters keys is punished by imprisonment of three months to two years and a fine of 200,222 to 500 dirhams.

If the culprit is a professional locksmith, the prison term is two to five years and the fine 250 to 500 dirhams unless the act constitutes an act of complicity in a more serious offence.

Section 516

Are considered as public roads, the roads, tracks, paths or any other places dedicated to the use of the public, located outside the agglomerations and where any individual can circulate freely at any time of the day or the night, without legal opposition of which whether it be.

222 - Ibid.

Soustractions frauduleuses

Qualification	Peine	Compétence	Circonstances aggravantes			
			Armes (art. 507)	Chemin public (art. 508)	Article 509	Article 510
Larcin (art. 506, al. 1)	Un mois à deux ans et amende de 200 à 250 dirhams + interdiction droits article 40 et interdiction de séjour.	Délit de police		+ une des circonstances prévues à l'article 509.	Deux au moins des circonstances suivantes : Violences, port illégal d'uniforme; Nuit; Réunion; Effraction, escalade, fausses clés, bris de scellés (maison même non habitée); Vol au cours de catastrophes ; Vol d'un objet assurant sécurité moyen Transport.	Une des circonstances suivantes : Violences, port illégal d'uniforme; Nuit; Réunion ; Effraction, escalade, fausses clés, bris de scellés (maison même non habitée); Vol au cours de catastrophes ; Vol d'un objet assurant sécurité moyen Transport.
Vol (art. 505)	Un à cinq ans et amende de 200 à 500 dirhams + interdiction droits article 40 et interdiction de séjour.	Délit Correctionnel				
Réclusion perpétuelle (art. 507).	Crime					
Réclusion de vingt à trente ans (art. 508)	Crime					
Réclusion de dix à vingt ans (art. 509).	Crime					
Réclusion de cinq à dix ans (art. 510).	Crime					

Le larcin constitue un vol puni suivant le cas des pénalités édictées par les articles 507 à 510, s'il est commis avec circonstances aggravante.

Item 517223

Anyone who steals in the fields, horses or beasts of burden, car or mount, large and small livestock, or agricultural instruments is punished by imprisonment of one to five years and a fine of **00211** to 5,001 dirhams .

The same penalties are applicable to the theft of wood in the cuts, of stones in the quarries, of sand in the beaches, in the coastal dunes, in the valleys or in its natural places, as well as the theft of fish in ponds, fishponds or reservoir.

However, when it comes to the offense of theft of sand in the places provided for in the preceding paragraph, the stolen quantity of which has been determined, the fine is 555 dirhams per cubic meter without it being able to be less than 1,200 dirhams. Any fraction of a cubic meter is considered a cubic meter.

The court also orders the confiscation for the benefit of the State, subject to the rights of third parties in good faith, of the machines, objects, things and means of transport which were used or were to be used for the offense or which are the proceeds thereof, as well as gifts or other advantages which served or were intended to serve to reward the perpetrator of the offence.

Section 518

Anyone who steals from the fields crops or other useful productions of the earth, already detached from the ground, even put in sheaves or millstones, is punished by imprisonment from fifteen days to two years and a fine of 200224 to 250 dirhams . .

If the theft was committed, either at night, or by several people, or with the help of vehicles or load animals, the imprisonment is from one to five years and the fine from 200,225 to 500 dirhams .

223 – Article amended and supplemented by Law No. 10-11 promulgated by Dahir No. 1-11-152 of Ramadan 16, 1432 (August 17, 2011), Official Bulletin No. 5978 of Chaoual 16, 1432 (September 15, 2011), p.

2084. 224 - cf. supra note corresponding to article 111.

225 - Ibid.

Section 519

Whoever, either with baskets or sacks or other equivalent objects, or with the aid of vehicles or pack animals, or in a meeting of two or more persons, or at night, steals crops or other useful productions from the land not yet detached from the ground, is punished by imprisonment from fifteen days to two years and a fine of 200,226 to 250 dirhams.

If the theft was committed with the combination of the four circumstances provided for in the preceding paragraph, the penalty incurred is imprisonment for two to five years and a fine of 200227 to 500 dirhams.

Section 520

Anyone who, in order to commit theft, has removed terminals serving as separation from properties, is punished by imprisonment of two to five years and a fine of 200,228 to 1,000 dirhams.

Section 521

Anyone who fraudulently subtracts electrical energy or any other energy having an economic value, is punished by imprisonment of one month to two years, and a fine of 250 to 2,000 dirhams or one of these two penalties. only.

Section 522

Anyone who makes use of a motorized vehicle without the knowledge or against the will of the person entitled is punished by imprisonment from one month to two years, unless the act constitutes a more serious offence.

Prosecution takes place only on complaint of the injured party; withdrawal of the complaint terminates the proceedings.

Section 523

Is punished by imprisonment of one month to one year and a fine of 200,229 to 1,000 dirhams, the co-heir or the claimant to a succession

226 - Ibid.

227 - Ibid.

228 - Ibid.

229 - Ibid.

who, fraudulently, disposes of all or part of the inheritance before the partition.

The same penalty is applicable to the co-owner or partner who fraudulently disposes of common property or social funds.

Section 524

Is punished by imprisonment of one to five years and a fine of 200,230 to 500 dirhams the seized person who voluntarily destroys or diverts seized objects, if these objects had been entrusted to the custody of a third party.

If the objects seized had been entrusted to his custody, the penalty is imprisonment for six months to three years and a fine of 200,231 to 500 dirhams.

Section 525

Any debtor, borrower or third-party pledger who voluntarily misappropriates or destroys a committed object of which he is the owner shall be punished by imprisonment of one to five years and a fine of 200,232 to 500 dirhams.

Section 526

In the cases provided for in the two preceding articles , anyone who knowingly conceals the misappropriated objects is punished by imprisonment for one to five years and a fine of 200,233 to 500 dirhams; the same penalty is applicable to the spouse, ascendants and descendants of the person seized, the debtor, the borrower or third-party pledger who helped him in the destruction, embezzlement or in the attempt to destroy or embezzle.

Section 527

Anyone who accidentally finds a movable thing appropriates it without notifying the local police authority or the owner, is punished by imprisonment from one month to one year.

230 - Ibid.

231 - Ibid.

232 - Ibid.

233 - Ibid.

Anyone who fraudulently appropriates a movable thing that has come into his possession, by mistake or by chance, is punished with the same penalty.

Section 528

Anyone who, having found a treasure, even on his own property, refrains from notifying the public authority within a fortnight of the discovery is punished with a fine of 200,234 to 250 dirhams.

Any inventor who, having or has not notified the public authority, appropriates the treasure, in whole or in part, without having been sent into possession by the competent magistrate, is punished by imprisonment of one to six months and a fine of 200235 to 250 dirhams.

Section 529

Anyone who has been previously convicted for less than ten years for a crime or misdemeanor against property, is found in possession of cash, securities or objects not related to his condition and cannot prove their legitimate origin, is punished with imprisonment from one to six months.

Section 530

Anyone who, without being able to justify their legitimate destination, is found in possession of instruments used to open or force locks, is punished by imprisonment from three months to one year.

Section 531

In the cases provided for in the two preceding articles, the trial court must order the confiscation of cash, securities, objects or instruments in accordance with the provisions of article 89.

Section 532

Anyone who, knowing that he is absolutely unable to pay, is served drinks or food which he consumes in whole or in part in establishments intended for this purpose, even if he is housed in

234 - Ibid.

235 - Ibid.

said establishments, is punishable by imprisonment of one to six months and a fine of 200,236 to 250 dirhams.

The same penalty is applicable to anyone who, knowing that it is absolutely impossible to pay, is assigned one or more rooms in a hotel or inn and actually occupies them.

However, in the case provided for by the two preceding paragraphs, the occupation of the accommodation must not have exceeded the duration of seven hotel days, as fixed by local customs.

Section 533

Anyone who, knowing that he is absolutely unable to pay, has rented a car from his seat is punished by imprisonment of one to three months and a fine of 200,237 to 500 dirhams.

Section 534

Is not punishable and can only give rise to civil reparations, the theft committed:

1. By husbands to the detriment of their wives, by wives to the detriment of their husbands;
- 2° By ascendants to the detriment of their children or others descendants.

Section 535

Thefts committed by descendants to the detriment of their ascendants, or between relatives or allies up to and including the fourth degree, can only be prosecuted on complaint by the injured person; the withdrawal of the complaint puts an end to the proceedings.

Section 536

Persons other than those designated in the two preceding articles, who acted as co-authors or accomplices of these offenses or who concealed the proceeds thereof, cannot benefit from the provisions of the said articles.

236 - Ibid.

237 - Ibid.

Section 537

Anyone who by force, violence or constraint, extorts the signature or the delivery of a writing, an act, a title, any document containing or operating obligation, provision or discharge, is punished by imprisonment for five at ten years old.

Section 538

Anyone who by means of the threat, written or verbal, of defamatory revelations or imputations, extorts either the delivery of funds or securities, or the signature or delivery of the writings provided for in the preceding article, is guilty of blackmail and punished with the imprisonment of one to five years and a fine of 200,238 to 2,000 dirhams.

Section 539

In all cases, those guilty of offenses provided for in this section may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 and the stay ban.

The attempt of these offenses is punishable by the same penalties as the offense consumed.

SECTION II FRAUD AND ISSUANCE OF CHECKS

WITHOUT PROVISIONS

(Items 540 to 546)

Section 540

Whoever, with a view to obtaining or procuring for a third party, an illegitimate pecuniary gain, craftily misleads a person by false assertions, or by concealment of true facts, or craftily exploits the error where a person was and thus determines it to acts prejudicial to its pecuniary interests or those of a third party, is guilty of fraud and punished by imprisonment of one to five years and a fine of 500 to 5,000 dirhams.

238 - Ibid.

The prison sentence is doubled and the maximum fine is 100,000 dirhams if the culprit is a person who appealed to the public with a view to issuing shares, bonds, warrants, shares or titles of any kind, either of a company, either a commercial or industrial enterprise.

Section 541

The immunities and restrictions on the exercise of public action enacted by articles 534 to 536 are applicable to the offense of fraud provided for in the first paragraph of article 540.

Section 542

Shall be punished with the penalties for fraud provided for in the first paragraph of Article 540, anyone who in bad

faith: 1° Disposes of inalienable

property; 2° In fraud of the rights of a first contracting party, gives property "in rahn" or usufruct, in pledge or rental or disposes of it in any way whatsoever;

3° Pursue the recovery of a debt already extinguished by payment or innovation.

Section 543

Is punished by the penalties enacted in the first paragraph of article 540, without the fine being less than the amount of the check or the insufficiency, whoever in bad faith: 1° A, is issued a check

without prior provision and available or with a provision lower than the amount of the cheque, either withdraws, after the issue, all or part of the provision, or forbids the drawee to pay;

2° Has agreed to receive a check issued under the conditions set out in the preceding paragraph²³⁹.

239 - See Articles 239 et seq. of Law No. 15-95 forming the Commercial Code, promulgated by Dahir No. 1-96-83 of 15 Rabii I 1417 (August 1, 1996), Official Bulletin No. 4418 of 19 jounada I 1417 (October 3, 1996), p. 568, in particular articles 316 to 333 and 733.

Article 316 : Is liable to imprisonment for one to five years and a fine of 2,000 to 10,000 dirhams, without this fine being less than twenty-five percent of the amount of the check or insufficient funds:

Section 544

Is punished by the penalties laid down in the first paragraph of Article 540, without the fine being less than the amount of the check, whoever issues or accepts a check on the condition that it is not cashed immediately but kept as warranty^{222 bis.}

Section 545

Is subject to the penalties laid down in articles 357 or 358, according to the distinctions provided for in the said articles, anyone who:

1° Counterfeits or falsifies a cheque; 2°

Agrees to receive a check that he knew to be counterfeit or falsified.

Section 546

In the cases provided for in articles 540 and 542^{222 ter}, the culprits may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 and by the residence ban.

The attempt of these offenses is punishable by the same penalties as the offense consumed.

1) the drawer of a check who fails to maintain or provide funds on the check for payment on presentment; 2) the drawer of the check who improperly forbids the drawee to pay; 3) anyone who forges or falsifies a cheque; 4) any person who knowingly agrees to receive, endorse or endorse a forged or counterfeit cheque; 5) any person who knowingly uses or attempts to use a counterfeit or falsified cheque; 6) any person who, knowingly, agrees to receive or endorse a check on the condition that it is not cashed immediately and that it is kept as security.

Counterfeit or falsified checks will be confiscated and destroyed. The confiscation of the materials, machines, devices or instruments which were used or were intended to be used for the production of the said checks will be pronounced by court decision, except when they have been used without the knowledge of the owner.

Article 733 : The provisions of this law (Commercial Code) repeal and replace those relating to the same objects as they have been modified or supplemented...

SECTION III BREACH OF CONFIDENCE AND OTHERS

ILLEGITIMATE APPROPRIATIONS

(Items 547 to 555)

Section 547

Anyone who in bad faith diverts or dissipates to the detriment of the owners, possessors or holders, either effects, funds or goods, or tickets, receipts, writings of any kind containing or operating obligations or discharges and which had been given to him on the condition return them or make a specific use or employment of them, is guilty of breach of trust and punished by imprisonment for six months to three years and a fine of 200,240 to 2,000 dirhams.

If the damage suffered is of low value, the duration of the prison sentence will be from one month to two years and the fine from 200241 to 250 dirhams subject to the application of the causes of aggravation provided for in articles 549 and 550.

Section 548

The immunities and restrictions on the exercise of public action enacted by articles 534 to 536 are applicable to the offense of breach of trust provided for in article 547.

Section 549

If the breach of trust is committed:

Either by an adel, sequestrator, curator, judicial administrator acting in the exercise or on the occasion of their functions;

Either by an administrator, employee or custodian of a pious foundation, to the detriment of this foundation; Either

by an employee or agent to the detriment of his employer or principal, the penalty is imprisonment for one to five years and a fine of 200,242 to 5,000 dirhams.

240 - see supra note corresponding to article 111.

241 - Ibid.

242 - Ibid.

Section 550

The penalty of imprisonment enacted in article 547 is doubled and the maximum fine is 100,000 dirhams if the breach of trust has been committed by a person appealing to the public in order to obtain, either for his own account, either as director, administrator or agent of a company or a commercial or industrial enterprise, the remittance of funds or securities by way of deposit, mandate or pledge.

Section 551

Anyone who has been given advances for the execution of a contract, refuses without legitimate reason, to execute this contract or to reimburse these advances, is punished by imprisonment of one to six months and a fine of 200²⁴³ to 250 dirhams.

Section 552

Anyone who abuses the needs, passions or inexperience of a minor aged twenty-one or any other incapable or prohibited person, to make him subscribe to his prejudice, obligations, discharges or other acts involving his heritage, is punished. imprisonment from six months to three years and a fine of 200,244 to 2,000 dirhams.

The prison sentence is from one to five years and the fine from 250 to 3,000 dirhams if the victim was placed under the custody, supervision or authority of the culprit.

Section 553

Anyone who, abusing a blank check which has been entrusted to him, has fraudulently written above an obligation or discharge, or any other act which may compromise the person or the patrimony of the signatory, is punished by imprisonment from one to five years and a fine of 200,245 to 5,000 dirhams.

In the case where the blank check had not been entrusted to him, the culprit is prosecuted as a forger and punished with the penalties laid down in articles 357 or 358, according to the distinctions provided for in the said articles.

243 - Ibid.

244 - Ibid.

245 - Ibid.

Section 554

Anyone who, after having produced in an administrative or legal challenge, any document, title or memorandum, subtracts or diverts it, is punished by imprisonment of one to six months and a fine of 200,246 to 500 dirhams .

Section 555

In the cases provided for in articles 547, 549, 550, 552 and 553, the culprits may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 and the prohibition of residence.

246 - Ibid.

SECTION IV BANKRUPTCY

247

(Items 556 to 569)

Section 556

247 - Compare with the provisions of Articles 721 to 727 of Law No. 15-95 forming the Commercial Code, cited above, taking into account those contained in Article 733 of the said law.

Article 721 : In the event of the opening of a treatment procedure, the persons mentioned in article 702 against whom one of the following facts has been noted are guilty of bankruptcy: 1) intending to avoiding or delaying the initiation of processing, or making purchases for resale below market price, or employing ruinous means to raise funds; 2) having misappropriated or concealed all or part of the debtor's assets; 3) having fraudulently increased the liabilities of the debtor; 4) having kept fictitious accounts or caused the disappearance of accounting documents of the company or company or having refrained from keeping any accounts when the law makes it an obligation.

Article 722 : Bankruptcy is punishable by one to five years' imprisonment and a fine of 10,000 to 100,000 dirhams or one of these two penalties only.

Incur the same penalties, accomplices in bankruptcy, even if they do not have the quality of company directors.

The penalty provided for in the first paragraph is doubled when the bankrupt is the manager, de jure or de facto, of a company whose shares are listed on the stock exchange.

Article 723 : Persons guilty of the offenses provided for in this section also incur, as an ancillary penalty, the commercial forfeiture provided for in chapter II of this title.

Article 725 : For the application of the provisions of sections 1 and 2 of this chapter, the statute of limitations for public action only runs from the day of the judgment pronouncing the opening of the processing procedure when the incriminated facts appeared before this date. .

Article 726 : The repressive jurisdiction is seized either on the prosecution of the public prosecutor, or on the application of a civil party by the trustee.

The provisions of article 710 are applicable.

Article 727 : The public prosecutor may require the syndic to hand over all the deeds and documents held by him.

See also articles 62 to 68 of the commercial code which include other sanctions relating to certain commercial acts.

See also the criminal offenses and sanctions provided for in Law No. 17-95 relating to public limited companies, promulgated by Dahir No. 1-96-124 of 14 Rabii II 1417 (August 30, 1996), Official Bulletin No. 4422 of 4 jounada II 1417 (October 17, 1996), p. 661, and Articles 100 and 118 of Law No. 5-96 on the general partnership, the simple limited partnership, the partnership limited by shares, the limited liability company and the joint venture, promulgated by the dahir n° 1-97-49 of chaoual 5, 1417 (February 13, 1997), Official Bulletin n° 4478 of hija 23, 1417 (May 1, 1997), p. 482.

Is guilty of bankruptcy and punished by the penalties laid down in this section depending on whether this bankruptcy is simple or fraudulent, any merchant in a state of cessation of payments who, either by negligence or intentionally, has performed culpable acts likely to harm his creditors.

Section 557

Is guilty of simple bankruptcy and punished by imprisonment from three months to three years, any merchant in a state of cessation of payment who has:

- 1° Either by

his lifestyle, by games or bets, incurred expenses deemed excessive ;

2° Be spent large sums, in operations of pure chance or in fictitious transactions on the stock exchange or on commodities;

3° Or, with the intention of delaying the observation of the cessation of his payments, makes purchases with a view to resale below the market price or, with the same intention, employs ruinous means of obtaining funds;

4° Be paid, after cessation of his payments, a creditor to the detriment of the others; 5° Or has

already been declared bankrupt twice when these two bankruptcies have been closed for lack of assets;

6° Or omitted to keep accounts; 7° Or

practiced his profession contrary to a prohibition provided for by law.

Section 558

Is guilty of simple bankruptcy and punished by the penalty provided for in the preceding article, any merchant in a state of cessation of payment who, in bad faith, has:

1° Either contracted on behalf of others, without receiving securities in exchange, commitments deemed too considerable in view of his situation when he contracted them;

2° Either failed to meet the obligations of a previous composition and was declared bankrupt;

3° Or omitted to make at the court office, within fifteen days of the cessation of his payments, the declaration of this cessation and the filing of his balance sheet;

4° Or omitted to appear in person before the syndic, in the cases and within the time limits set;

5° Either presented incomplete or irregular accounts outfit.

Section 559

In the event of suspension of payment of a company, are punished with the penalties of simple bankruptcy, the administrators, directors or liquidators of a public limited company, the managers or liquidators of a limited liability company and in general, all corporate officers, who have in this capacity and in bad faith: 1° Either spent large sums belonging to the company in

engaging in pure chance or fictitious transactions;

2° Or, with the intention of delaying the recognition of cessation of payments by the company, makes purchases with a view to resale below the market price or, with the same intention, employs ruinous means of obtaining funds ; 3° Either, after cessation of payments

by the company, paid or caused to be paid a creditor to the detriment of the others; 4° Or causes the company to contract, on

behalf of others, without receiving securities in exchange, commitments deemed too considerable in view of its situation when it contracted them;

5° Either kept or had the company's accounts kept irregularly.

Section 560

Are punished with the penalties of simple bankruptcy, the administrators, directors or liquidators of a public limited company, the managers or liquidators of a limited liability company and in general, all corporate officers who, with a view to withdrawing all or part of their assets against the prosecution of the company in a state of insolvency or those of the partners or corporate creditors have, in bad faith, misappropriated or concealed all or part of their assets, or who have fraudulently recognized themselves as debtors of sums that they shouldn't.

Section 561

Is guilty of fraudulent bankruptcy and punished by imprisonment from two to five years, any merchant in a state of cessation of payment who has subtracted his accounts, misappropriated or dissipated all or part of his assets or who, either in his writings or by public deeds or commitments under private signatures, or in its balance sheet, fraudulently recognized itself as debtor of sums which it did not owe.

The culprit may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 of this code.

Section 562

In the event of suspension of payment of a company, are punished with the penalties of fraudulent bankruptcy the administrators, directors or liquidators of a public limited company, the managers or liquidators of a limited liability company and in general, all corporate officers who fraudulently subtracted from the company's books, misappropriated or concealed all or part of its assets or who, either in the records, or by public deeds or commitments under private signatures, or in the balance sheet, have acknowledged the company debtor of sums that it did not owe.

Section 563

The following are punishable by the penalties of fraudulent bankruptcy: 1° Persons convicted of having, in the interest of the debtor, withheld, concealed or concealed all or part of his movable or immovable property, unless the fact constitutes one of the acts of complicity provided for in article 129; 2°

Persons convicted of having fraudulently filed fictitious claims in the bankruptcy, either in their own name or through the interposition of persons;

3° Persons who, trading under the name of another or under an assumed name, are guilty of one of the offenses provided for in Article 561;

4° Persons exercising the profession of stockbroker or stockbroker found guilty of even simple bankruptcy.

Section 564

The spouse, descendants or ascendants of the debtor or his relatives or allies up to the fourth degree inclusively who, without having acted in complicity with him, have misappropriated, diverted or concealed movable property likely to be included in the assets of the bankruptcy, are punishable by imprisonment of six months to three years and a fine of 200,248 to 3,000 dirhams.

Section 565

The creditor who has stipulated, either with the debtor or with any other person, special advantages by reason of his vote in the deliberations of the mass, is punished by the penalties provided for in the preceding article.

Section 566

Any trustee in bankruptcy who is guilty of embezzlement in his management is subject to the penalties provided for in Article 549.

Section 567

Accomplices in simple or fraudulent bankruptcy are punished with the same penalties as the main perpetrator, even if they do not have the status of merchant.

Section 568

In all the cases provided for in this section, the culprit may, in addition, be subject to the prohibition to practice the profession, enacted by article 87.

Section 569

All rulings and judgments of condemnation rendered under this section are, at the expense of the condemned, displayed and published in a newspaper authorized to receive legal announcements.

248 - see supra note corresponding to article 111.

SECTION V ATTACKS ON REAL ESTATE PROPERTY

(Section 570)

Section 570

Is punished by imprisonment of one to six months and a fine of 200,249 to 500 dirhams, whoever by surprise or fraud dispossesses another of a real estate property.

If the dispossession took place either at night, or with threats or violence, or with the help of climbing or breaking and entering, or by several people, or with the carrying of a weapon visible or hidden by one or more of the authors, imprisonment is from three months to two years and the fine from 200,250 to 750 dirhams.

SECTION VI CONTAINING THINGS

(Items 571 to 574)

Section 571

Anyone who knowingly conceals all or part of things, subtracted, diverted or obtained with the help of a crime or misdemeanor, is punished by imprisonment of one to five years and a fine of 200251 to 2,000 dirhams, unless the act is punishable by a criminal penalty as constituting an act of complicity in a crime provided for in article 129.

However, the concealer is punished with the penalty prescribed by law for the offense by means of which the things were removed, misappropriated or obtained in all cases where this penalty is less than the penalty provided for in the preceding paragraph. .

Section 572

In the event that the penalty applicable to the perpetrators of the offense with the help of which the things were removed, misappropriated or obtained, is a

249 - Ibid.

250 - Ibid.

251 - Ibid.

criminal penalty, the concealers incur the same penalty if they are convinced of having had knowledge, at the time of the concealment, of the circumstances to which the law attaches this criminal penalty.

However, the death penalty is replaced with regard to the receiver by that of life imprisonment.

Section 573

In the event of condemnation to a misdemeanor penalty, the culprit of concealment may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 of this code. .

Section 574

The immunities and restrictions on the exercise of public action enacted by articles 534 to 536 are applicable to the offense of concealment provided for in articles 571 and 572.

SECTION VI BIS OF MONEY LAUNDERING²⁵²

(Article 574-1 – 574-7)

Item 574-1253

The following offenses constitute money laundering, when committed intentionally:

252 - Section added by Article 1 of Law No. 43-05 on the fight against money laundering, promulgated by Dahir No. 1-07-79 of 28 Rabii I 1428 (April 17, 2007) as read modified and supplemented, Official Bulletin n° 5522 of 15 rabii II 1428 (May 3, 2007), p 602. The said article includes a first chapter entitled "Criminal provisions", while article two of the said law contains the provisions of chapter II relating to the prevention of money laundering, and article three includes chapter III containing the provisions specific to terrorism offences, as well as final provisions in the fourth and last chapter.

253 - Article amended and completed by Article 3 of Law No. 13-10 promulgated by Dahir No. 1-11-02 of 15 Safar 1432 (January 20, 2011) amending and supplementing the penal code approved by Dahir No. ° 1-59-413 of Jounada II 28, 1382 (November 26, 1962), Law No. 22-01 relating to criminal procedure promulgated by Dahir 1-02-255 of Rejeb 25, 1423 (October 3, 2002) and Law No. 43-05 relating to the fight against money laundering promulgated by Dahir No. 1-07-79 of 28 Rabii I 1428 (April 17, 2007), Official Bulletin No. 5911 bis of 19 Safar 1432 (January 24, 2011), p. 158.

- the fact of acquiring, holding, using, converting or transferring property with the aim of concealing or disguising the origin of this property, in the interest of the author or of others when they are the product of one of the offenses provided for in article 574-2 below; - the fact of helping any person involved in the commission of one of the offenses provided for in article 574-2 below to escape the legal consequences of his acts; - the fact of facilitating, by any means, the false justification of the origin of the goods or products of the perpetrator of one of the offenses referred to in article 574-2 below, having procured for him direct or indirect profit; - the fact of providing assistance or giving advice to an operation of safekeeping, investment, concealment, conversion or transfer of the direct or indirect proceeds of one of the offenses provided for in Article 574-2 below."

Item 574-2254

The definition provided for in the preceding article is applicable to the following offences:

- trafficking in narcotics and psychotropic substances; - trafficking in human beings;
 - immigrant trafficking; - illicit arms and ammunition trafficking; - corruption, misappropriation, influence peddling and misappropriation of public and private property; - terrorism offences; - the counterfeiting or falsification of currencies or public credit instruments or other means of payment."

Section 574-3²⁵⁵

Money laundering is punished: - for natural persons by imprisonment of two to five years and a fine of 20,000 to 100,000 dirhams;

254 - Article amended and supplemented by Article 3 of Law No. 13-10 mentioned above.

255 - Article amended and supplemented by Article 3 of Law No. 13-10 mentioned above.

- for legal persons, a fine of 500,000 to 3,000,000 dirhams, without prejudice to the penalties that could be pronounced against their managers and agents involved in the offences.

Attempted money laundering is punishable by the same penalties applicable to the offense committed.

Article.574-4

Prison sentences and fines are doubled: - when the offenses are committed using the facilities provided by the exercise of a professional activity; - when the person habitually engages in money laundering operations; - when the offenses are committed in an organized gang; - in case of recurrence.

A repeat offender is the perpetrator who commits the acts within five years of a decision having acquired the force of res judicata for one of the offenses provided for in article 574-1 above.

Section 574-5⁵⁶

Persons guilty of money laundering incur one or more of the following additional penalties: - partial or total confiscation of the assets used to commit the offense and the proceeds generated by these assets, subject to the rights of third parties acting in good faith. This confiscation is always pronounced in the event of conviction; - the dissolution of the legal entity; - the publication, by all appropriate means, of conviction decisions having acquired the force of res judicata, at the expense of the convicted person.

The perpetrator of the money laundering offense may, in addition, be sentenced to a temporary or permanent ban on exercising, directly or indirectly, one or more professions, activities or arts on the occasion of the exercise of which the offense has been committed.

Section 574-6

The penalties provided for by this law are extended, as the case may be, to managers and employees of legal persons involved in

256 - Article amended and supplemented by Article 3 of Law No. 13-10 mentioned above.

money laundering operations, when their personal responsibility is established.

Section 574-7

Benefits from an absolutionary excuse, under the conditions provided for in Articles 143 to 145 of the Criminal Code, the perpetrator, co-perpetrator or accomplice who revealed to the competent authorities, before they were informed, the facts constituting the an attempted money laundering offence.

When the denunciation takes place after the commission of the offence, the penalty is reduced by half.

SECTION VII ATTACKS ON PROPERTY LITERARY AND ARTISTIC ²⁵⁷

257 - Compare with the provisions of Articles 64 and 65 of Law No. 2-00 relating to copyright and related rights, promulgated by Dahir No. 1-00-20 of 9 Kaada 1420 (February 15, 2000) as modified and supplemented, Official Bulletin n° 4810 of 3 rabii II 1421 (July 6, 2000), p. 604.

Article 64 : Any violation of a right protected by virtue of this law, if it is committed intentionally or by negligence and with a profit motive, exposes its author to the penalties provided for in the penal code. The amount of the fine is fixed by the court taking into account the gains that the defendant has withdrawn from the violation.

Judicial authorities have the authority to increase the upper limit of penalties to three times when the offender is convicted for a new act constituting a violation of rights less than five years after being convicted for a previous violation.

The judicial authorities also apply the measures and sanctions referred to in Articles 59 and 60 of the Code of Criminal Procedure, provided that a decision concerning these sanctions has not yet been taken in a civil trial.

Measures, Remedies and Sanctions for Abuse of Technical Means and Alteration of Rights Management Information.

Article 65 : The following acts are considered illicit and, for the purposes of Articles 61 to 63, are assimilated to a violation of the rights of authors and other copyright holders: a) The manufacture or importation, for sale or the rental of a device or means specially designed or adapted to render inoperative any device or means used to prevent or restrict the reproduction of a work or to deteriorate the quality of the copies or copies made; (b) The manufacture or importation, for sale or hire, of

any device or means capable of permitting or facilitating the reception of a coded program broadcast or otherwise communicated to the public, by persons who are not entitled to receive it; (c) Deleting or modifying, without authority, any rights management information in electronic form; d)

The distribution or importation for distribution, broadcasting, communication to the public or making available to the public, without authorization, of

works of performances, phonograms or broadcasts knowing that rights management information in electronic form has been deleted or altered without permission. (e) For the purposes of this section, "rights management information" means information identifying the author, work, performer, performance, producer of phonograms, the phonogram, the broadcasting organization, the broadcasting

program, and any rights holder under this law, or any information relating to the terms and conditions of use of the work and other productions covered by this Law, and any number or code representing such information, when any of such information is attached to the copy of a work, of a fixed performance, to the copy of a phonogram or to a fixed broadcast, or appears in connection with the broadcast,

(Items 575 to 579)

Section 575

Anyone who publishes on Moroccan territory writings, musical compositions, drawings, paintings or any other production, printed or engraved in whole or in part, in defiance of the laws and regulations relating to the property of the authors, is guilty of counterfeiting and punished with a fine of 200,258 to 10,000 dirhams, whether these works were published in Morocco or abroad.

The same penalties apply to the sale, distribution, export and import of infringing works.

Section 576

Anyone who reproduces, represents or distributes, by any means whatsoever, a work of the mind in violation of copyright, as defined and regulated by law.

Section 577

If the guilty of counterfeiting habitually engages in the acts referred to in the two preceding articles, the penalty is imprisonment for three months to two years and a fine of 500 to 20,000 dirhams.

In the event of a repeat offence, after conviction for a habitual offence, prison sentences and fines may be doubled and the temporary or permanent closure of establishments operated by the infringer or his accomplices may be ordered.

Section 578

In all the cases provided for by articles 575 to 577, the culprits are, moreover, condemned to the confiscation of sums equal to the amount of the shares of receipts produced by the reproduction, the

communication to the public or making available to the public of a work, a fixed performance, a phonogram or a broadcast.

For the purposes of applying Articles 61 to 63, any device or means mentioned in the first paragraph and any copy on which information on the rights regime has been deleted or modified, are assimilated to infringing copies or copies of works. 258 - see supra note corresponding to article 111.

unlawful representation or dissemination as well as the confiscation of any material specially installed for the unlawful reproduction and of all counterfeit copies and objects.

The court may, in addition, order, at the request of the civil party, in accordance with the provisions of article 48, the publication of the judgment of condemnation, in full or in extract, in the newspapers it designates and the posting of the said judgment in the places it indicates, in particular at the gates of the convicted person's domicile, of all establishments, performance halls, belonging to him, all at the latter's expense, without however the costs of this publication being able to exceed the maximum of the fine incurred.

Section 579

In the cases provided for by articles 575 to 578, the counterfeit material or copies, as well as the receipts or shares of receipts having given rise to confiscation, are returned to the author or to his successors in title to compensate them for the damage that they suffered; the surplus of the indemnity to which they are entitled or the entire indemnity if there has been no confiscation of material, counterfeit object or recipe, gives rise to the allocation of damages on the request of the civil party under the usual conditions.

SECTION VIII DESTRUCTION, DAMAGE AND DAMAGE

(Items 580 to 607)

Section 580

Anyone who voluntarily sets fire to buildings, dwellings, lodges, tents, even mobile cabins, ships, boats, shops, construction sites, when they are inhabited or used for habitation and generally to places inhabited or used for habitation, that they belong or do not belong to the author of the crime, is punished with

dead.

The same penalty shall apply to anyone who deliberately sets fire either to vehicles, aircraft or wagons containing people, or to wagons not containing people but forming part of a convoy which does.

Section 581

Anyone who, when these goods do not belong to him, voluntarily sets fire:

Either to buildings, lodgings, lodges, tents, even mobile cabins, ships, boats, stores, construction sites, when they are neither inhabited nor used for habitation;

Either to vehicles or aircraft not containing people;

Either to forests, woods, copses or to wood laid out in heaps or in steres;

Either to standing crops, to straws or to crops in heaps or stacks;

Either to wagons, loaded or not with goods or other movable objects not forming part of a convoy containing people, is punished by imprisonment of ten to twenty years.

Section 582

Anyone who, by setting or causing to be set on fire one of the goods listed in the preceding article and belonging to him, voluntarily causes any harm whatsoever to others, is punished by imprisonment from five to ten years.

The same penalty is incurred by whoever sets the fire on the order of the owner.

Section 583

Whoever, by voluntarily setting fire to any objects whatsoever, belonging to him or not, and placed in such a way as to communicate the fire, has set fire by this communication to one of the goods belonging to others listed in article 581, is punished with imprisonment for five to ten years.

Section 584

In all the cases provided for in Articles 581 to 583, if the fire deliberately caused has resulted in the death of one or more persons, the culprit of the fire is punished by death.

If the fire caused injuries or infirmities permanent, the penalty is that of life imprisonment.

Section 585

The penalties enacted in articles 580 to 584 are applicable, according to the distinctions provided for in said articles, to those who voluntarily destroy, in whole or in part, or attempt to destroy, by the effect of a mine or any other explosive substance, buildings, dwellings, lodges, tents, cabins, ships, boats, vehicles of all kinds, wagons, aircraft, stores or construction sites or their dependencies and, generally, all movable or immovable objects of any kind whatsoever.

Section 586

Anyone who deliberately destroys or attempts to destroy, by the effect of a mine or any other explosive substance, public or private roads, dikes, dams or causeways, bridges, port or industrial facilities, is punished by imprisonment. twenty to thirty years old.

Section 587

Anyone who deliberately places an explosive device on a track public or private, is punishable by imprisonment for twenty to thirty years.

Section 588

If the offenses provided for in articles 586 or 587 result in the death of one or more persons, the guilty party is punished by death; if the offense has caused injuries or permanent infirmities, the penalty is that of life imprisonment.

Section 589

Benefits from an absolutionary excuse under the conditions provided for in articles 143 and 145 that of the guilty of one of the offenses listed in articles 585 to 587 who, before the commission of this crime and before any prosecution, gave knowledge of it and revealed the identity of the perpetrators to the administrative or judicial authorities or who, even after the proceedings have begun, procured the arrest of the other culprits; however, he may be subject to a residence ban for a period of ten to twenty years.

Section 590

Anyone who voluntarily destroys or overthrows, by any means whatsoever, in whole or in part, buildings, bridges, dykes, dams, roadways, port or industrial installations which he knows belong to others or which causes either the explosion of a steam engine, or the destruction of an engine forming part of an industrial installation is punishable by imprisonment of five to ten years.

If the offense provided for in the preceding paragraph results in homicide, injury or permanent disability for a third party, the culprit is punished by death if there has been homicide and by imprisonment for ten to twenty years. in all other cases.

Section 591

Anyone who, with a view to causing an accident or hindering or hindering traffic, places on a road or public path an object obstructing the passage of vehicles or uses any means whatsoever to obstruct their progress, is punished by imprisonment for five to ten years.

If the offense provided for in the preceding paragraph results in homicide, injury or permanent disability for a third party, the culprit is punished by death if there has been homicide and by imprisonment for ten to twenty years. in all other cases.

Section 592

Except in the cases provided for in article 276, anyone who voluntarily burns or destroys in any way whatsoever registers, minutes or original deeds of public authority, securities, notes, bills of exchange, commercial or bank, containing or operating obligation, disposal or discharge, is punished by imprisonment of five to ten years if the destroyed documents are acts of public authority, commercial or bank bills, and by imprisonment of two to five years and a fine of 200,259 to 500 dirhams in the case of any other document.

Section 593

Incurs the penalties enacted in the preceding article, according to the distinctions provided for in the said article, unless the fact constitutes a

259 - Ibid.

more serious offence, anyone who knowingly destroys, removes, conceals, conceals or alters a public or private document likely to facilitate the investigation of crimes or offences, the discovery of evidence or the punishment of their author.

Section 594

The authors of looting or devastation of foodstuffs, goods or other movable property, committed in assembly or band and with open force, are punished by imprisonment for ten to twenty years, unless the fact constitutes a more serious offence, such as one of the crimes provided for in articles 201 and 203.

However, those who prove to have been led by provocations or solicitations to take part in these disorders, will be punished by imprisonment of five to ten years.

Section 595

Anyone who voluntarily destroys, destroys, mutilates or degrades:

Either monuments, statues, pictures or other objects intended for public utility or decoration and erected or placed by the public authority or with its authorization;

Either monuments, statues, paintings or works of art whatsoever placed in museums, places reserved for worship or other buildings open to the public, is punished by imprisonment from one month to two years and a fine of 200,260 to 500 dirhams.

Section 596

Anyone who, using a corrosive product or by any other means, voluntarily damages goods, materials, engines or any instruments used in manufacturing, is punished by imprisonment from one month to two years and a fine of 200,261 to 1,000 dirhams.

If the offender is a factory worker or an employee of the trading house, the term of imprisonment is two to five years.

260 - Ibid.

261 - Ibid.

Section 597

Anyone who, apart from the cases provided for in the dahir forming the forest code²⁶² devastates standing crops or plants grown naturally or by human labour, is punished by imprisonment for two to five years and a fine of 200²⁶³ to 250 dirhams.

Section 598

Anyone who, except in the cases provided for in articles 518 and 519, cuts grain or fodder that he knew belonged to others, is punished by imprisonment of one to three months and a fine of 200,264 to 250 dirhams.

If it is green grain, the imprisonment is from two to six months.

Section 599

Anyone who, except in the cases provided for in the dahir forming the forest code, cuts down one or more trees that he knows belong to others, cuts, mutilates or barks these trees in such a way as to cause them to perish, or destroys one or more grafts, is, by derogation to the rule of non-accumulation of penalties laid down in Article

120, punished: For each tree, imprisonment of one to six months and a fine of 200,265 to 250 dirhams without the total penalties may exceed five years; At the rate

of each transplant, imprisonment of one to three months and a fine of 120,266 to 200 dirhams without the total penalties exceeding two years.

Section 600

Anyone who destroys, breaks or disables agricultural implements, stockyards or fixed or mobile huts of

262 - Dahir of October 10, 1917 (20 hidja 1335) on the conservation and exploitation of forests as amended and supplemented, Official Bulletin n° 262 of October 29, 1917, p.

1151. 263 - cf. supra note corresponding to article 111.

264 - Ibid.

265 - Ibid.

266 - After the minimum criminal fine had been increased to 200 dirhams under article 2 of law n° 3-80 amending certain provisions of the aforementioned penal code, the minimum fine provided for by this article became equivalent to the maximum.

guards, is punishable by imprisonment of one month to one year and a fine of 200,267 to 250 dirhams.

Section 601

Anyone who poisons draft, mount or load animals, horned animals, sheep, goats or other livestock, guard dogs or fish in ponds, fish ponds or reservoirs, is punished by the imprisonment of a five years and a fine of 200,268 to 500 dirhams.

Section 602

Anyone who, without necessity, kills or mutilates one of the animals mentioned in the preceding article or any domestic animal, in the premises, buildings, enclosures and outbuildings or on the lands of which the owner of the killed or mutilated animal is the owner, tenant or farmer, is punished by imprisonment of two to six months and a fine of 200,269 to 250 dirhams.

If the offense was committed with violation of closure, the term of imprisonment is doubled.

Section 603

Whoever unnecessarily kills or mutilates any of the animals mentioned in article 601, is punished:

If the offense was committed in places where the culprit is the owner, tenant or farmer, imprisonment from six days to two months and a fine of 200,270 to 250 dirhams or one of these two penalties only ;

If the offense was committed in another place, imprisonment of fifteen days to three months and a fine of 200,271 to 300 dirhams.

267 - see supra note corresponding to article 111.

268 - Ibid.

269 - Ibid.

270 - Ibid.

271 - Ibid.

Section 604

In the cases provided for by articles 597 to 602, if the act was committed either during the night, or in hatred of a public official and because of his functions, the culprit is punished with the maximum of the penalty provided for by the article penalizing the offence.

Section 605

In the cases provided for by articles 596, 597 and 601, the culprit may, in addition, be struck for at least five years and at most ten years by the prohibition of one or more of the rights mentioned in article 40 of the this code and the stay ban.

Section 606

Anyone who, in whole or in part, fills in ditches, destroys fences, of whatever materials they are made, cuts or pulls up live or dry hedges, moves or removes boundary markers or any other marks planted or recognized to establish the boundaries between different properties, is punishable by imprisonment of one month to one year and a fine of 200,272 to 500 dirhams.

Anyone who voluntarily causes public or private waters to be diverted without law is punished by imprisonment of one month to two years and a fine of 200,273 to 5,000 dirhams.

Section 607

Anyone who, except in the cases provided for in articles 435 and 608, 5°, determines by clumsiness, imprudence, inattention or non-observance of the regulations, the fire of the movable or immovable properties of others, is punished by imprisonment from one month to two years or a fine of 200,274 to 500 dirhams.

272 - Ibid.

273 - Ibid.

274 - Ibid.

SECTION IX HIJITATIONS OF AIRCRAFT, DAMAGE TO AIRCRAFT AND DAMAGE TO AIR NAVIGATION FACILITIES²⁷⁵

Section 607a

Anyone who is on board an aircraft in flight, seizes this aircraft or exercises control, by violence or by any other means, is punished by imprisonment of ten to twenty years.

Anyone who voluntarily threatens or acts of violence against the aircrew on board an aircraft in flight, with a view to diverting it or compromising its safety, is punished by imprisonment of five to ten years, without prejudice to the more serious sanctions that he could incur by application of articles 392 and 403 of the penal code.

For the application of the two preceding articles²⁷⁶, an aircraft is considered to be in flight from the moment when boarding having been completed, all its external doors have been closed, until the moment when one of these doors is opened for the purpose of landing.

In the event of a forced landing, the flight is supposed to continue until the competent authority takes charge of the aircraft and the persons and property on board.

Without prejudice to the application of the provisions of Articles 580, 581 and 585 of the Penal Code, anyone who voluntarily causes damage to an aircraft in service which renders it unfit for flight or which is likely to compromise its safety in flight, is punished with imprisonment from five to ten years.

An aircraft is considered to be in service from the moment the ground staff or the crew begin to prepare it for a specific flight until the expiry of a period of twenty-four hours following any landing. The period of service extends in any event to the totality of the time during which the aircraft is in flight within the meaning of paragraph III above.

275 - Section added by article 2 of the dahir laying down law n° 1-74-232 of 28 rabii II 1394 (21 May 1974) mentioned above.

276 - The legislator rather referred to "the two preceding paragraphs....".

Article 607b

Anyone who destroys or damages air navigation facilities or services or disrupts their operation, if one of these acts is likely to compromise the safety of the aircraft, or communicates a information that he knows to be false, with the aim of compromising this security.

CHAPTER X ATTEMPTS TO SYSTEMS OF AUTOMATED DATA PROCESSING 277

Section 607-3

Fraudulent access to all or part of an automated data processing system is punishable by one month to three months' imprisonment and a fine of 2,000 to 10,000 dirhams or one of these two penalties only.

Any person who remains in all or part of an automated data processing system to which he has accessed by mistake and when he is not entitled to do so is liable to the same penalty.

The penalty is doubled when the result is either the deletion or modification of data contained in the automated data processing system, or an alteration of the operation of this system.

Section 607-4

Without prejudice to more severe criminal provisions, anyone who commits the acts provided for in the preceding article against all or part of an automated processing system of data supposed to contain information relating to the internal or external security of the State or secrets concerning the national economy.

Without prejudice to more severe penal provisions, the penalty is increased from two to five years' imprisonment and from 100,000 to 200,000

277 - Chapter added by the single article of law n° 07-03 supplementing the penal code with regard to offenses relating to automated data processing systems, promulgated by dahir n° 1-03-197 of 16 Ramadan 1424 (11 November 2003), Official Bulletin n° 5184 of 14 hija 1424 (5 February 2004), p.149.

fine dirhams when the result of the acts punishable in the first paragraph of this article is the modification or deletion of data contained in the automated data processing system, or an alteration of the functioning of this system or when the said acts are committed by a civil servant or an employee during the exercise of his functions or on the occasion of this exercise or if he facilitates the performance of it for others.

Section 607-5

Obstructing or intentionally distorting the operation of an automated data processing system is punishable by one to three years' imprisonment and a fine of 10,000 to 200,000 dirhams or one of these two penalties. only.

Section 607-6

Fraudulently introducing data into an automated data processing system or deteriorating or fraudulently deleting or modifying the data it contains, their method of processing or transmission, is punished by one to three years. imprisonment and a fine of 10,000 to 200,000 dirhams or one of these two penalties only.

Section 607-7

Without prejudice to more severe criminal provisions, the forgery or falsification of computerized documents, whatever their form, likely to cause harm to others, is punishable by imprisonment of one to five years and a fine. from 10,000 to 1,000,000 dirhams.

Without prejudice to more severe penal provisions, the same penalty is applicable to anyone who knowingly uses the computerized documents referred to in the preceding paragraph.

Section 607-8

Attempting the offenses provided for by articles 607-3 to 607-7 above and by article 607-10 below is punishable by the same penalties as the offense itself.

Section 607-9

Anyone who has participated in an association formed or an agreement established with a view to the preparation, materialized by one or more facts

materials, of one or more offenses provided for in this chapter is punished by the penalties provided for the offense itself or for the most severely punished offence.

Section 607-10

Is punished by imprisonment of two to five years and a fine of 50,000 to 2,000,000 dirhams the fact, for any person, of manufacturing, acquiring, holding, assigning, offering or placing available to equipment, instruments, computer programs or any data, designed or specially adapted to commit the offenses provided for in this chapter.

Rule 607-11

Subject to the rights of a third party in good faith, the court may order the confiscation of the materials used to commit the offenses provided for in this chapter and of the thing which is the product thereof.

The culprit may, in addition, be struck for a period of two to ten years by the prohibition to exercise one or more of the rights mentioned in article 40 of this code.

The inability to exercise any public function or employment for a period of two to ten years as well as the publication or posting of the conviction decision may also be pronounced.

TITLE II CONTRAVENTIONS²⁷⁸ :

(Items 608 to 612)

SECTION I 1ST CLASS OFFENSES

(Section 608)

278 - Compare with the provisions of Section III of Chapter II of Law No. 42-10 on the organization of local courts and determining their jurisdiction, promulgated by Dahir No. 1-11-151 of 16 Ramadan 1432 (17 August 2011), Official Bulletin n° 5978 of 16 chaoual 1432 (15 September 2011), p. 2080.

Section 608

- Are punished by detention from one to fifteen days and a fine of 20 to 200 dirhams or only one of these two penalties²⁷⁹ :
- 1° The perpetrators of assault or mild violence;
 - 2° Those who voluntarily throw at someone hard bodies, rubbish or any other matter likely to soil clothing;
 - 3° Those who, through clumsiness, imprudence, inattention, negligence or non-compliance with the regulations, involuntarily cause injuries, blows or illness resulting in personal incapacity for work equal to or less than six days;
 - 4° Those who display or cause to be displayed on the public highway or in public places posters or images contrary to decency. The judgment of condemnation will order the removal of the incriminated object(s), which, if it is not voluntary, will be, notwithstanding all means of appeal, carried out automatically and without delay at the expense of the condemned person;
 - 5° Those who cause the fire of movable or immovable property of others:
 - Either by the obsolescence or the lack of repairs or cleaning of furnaces, chimneys, forges, houses and factories located nearby;
 - Either by fireworks lit or fired by negligence or recklessness;
 - 6° Those who are guilty of plundering, by stealing without any of the circumstances provided for in articles 518 and 519, crops or other useful productions of the earth which, before being taken, were not yet detached from the ground;
 - 7° Those who degrade ditches or fences, cut branches hedges or remove dry wood from hedges;
 - 8° Those who, by raising the outlet of water from mills, factories or ponds, above the height determined by the competent authority, have flooded the roads or the properties of others;

²⁷⁹ - 1st paragraph of article 608 modified by article 1 of law n° 3-80 modifying certain provisions of the penal code, cited above.

9° Those who, except where the act constitutes a more serious offense provided for in articles 580 to 607, deliberately cause damage to the movable property of others;

10° Those who obstruct the public way, by depositing there or leaving there without necessity any materials or things which prevent or reduce the freedom or the safety of passage.

SECTION II 2ND CLASS OFFENSES

(Section 609)

Section 609

The following are punishable by a fine of 10 to 120 dirhams²⁸⁰ :

Contraventions relating to public authority 1°

Those who, being able, refuse or neglect to carry out the work, the service or to provide the assistance for which they have been legally required, in the circumstances of accidents, tumults, shipwrecks, floods, fire or other calamities, as well as in cases of robbery, looting, flagrante delicto, public outcry or judicial execution;

2° Those who, legally required, refuse to give their name and address or give inaccurate names and addresses;

3° Those who, regularly summoned by the authorities, abstain without cause to appear;

4° Those who, except in the case provided for in Article 341 of the Code of Criminal Procedure, disturb the exercise of justice, in court or in any other place²⁸¹;

5° Those who refuse entry to their home to an agent of the authority acting in execution of the law and complying with the prescriptions of the code of criminal procedure relating to searches or home visits;

6° Innkeepers, hoteliers, landlords or renters of furnished houses, who neglect to register on arrival, without any blanks in a register

280 - 1st paragraph of article 609 of the penal code modified by law n° 3-80 modifying certain provisions of the penal code, cited above.

281 - Article 357 of Law No. 22.01 on criminal procedure, cited above.

regularly kept the surname, first names, quality, usual place of residence and date of entry, of any person sleeping or spending all or part of the night in their house as well as when leaving the date of leaving; those of them who, at the times determined by the regulations or when they are required to do so, fail to represent this register to the qualified authority;

7° Those who, except in the cases provided for in Article 339, accept, hold or issue means of payment intended to supplement or replace monetary signs which are legal tender; 8° Those who refuse to receive

cash and national currencies,
not false, nor altered, according to the value for which they are current;

9° Those who use weights and measures different from those prescribed by the legislation in force;

10° Those who, without regular authorisation, establish or hold games, lotteries or other games of chance in the streets, roads, squares or public places;

11° Those who contravene decrees and orders legally issued by the administrative authority when violations of these texts are not repressed by special provisions.

Offenses relating to public order and security

12° Those who entrust a weapon to an inexperienced person or one who does not enjoy his mental faculties; 13° Those who allow a

lunatic entrusted to their custody to wander; 14° Ro-ro drivers, carters, drivers of any carriage or of load animals, who contravene the regulations by which they are obliged:

To keep constantly within reach of their horses, draft animals or of load and of their cars, able to guide and drive them;

To occupy only one side of streets, roads or public thoroughfares;

To turn away or line up in front of all other vehicles and, as they approach, to leave at least half of the streets, roadways, roads and paths clear;

15° Those who drive or allow horses, draft animals, pack animals or mounts to run within an inhabited place or violate the regulations concerning the loading, speed or driving of carriages;

16° Those who contravene the provisions of the regulations aimed at:

The solidity of public cars;

Their weight;

The mode of their loading;

The number and safety of travellers;

The indication, in the interior of the carriages, of the seats which they contain and price of seats;

The indication, on the outside, of the name of the owner;

17° Those who drive horses or other mounted or draft animals or vehicles at an excessive and dangerous pace for the public; 18° Those who let harmful or

dangerous animals roam, incite an animal to attack or do not prevent an animal in their care from attacking another;

19° Those who, while erecting, repairing or demolishing a construction, do not take the necessary precautions to avoid accidents; 20° Those who, without

intention of harming others, deposit harmful or poisonous substances in any liquid used for drinking by man or animals;

21° Those who neglect to maintain, repair or clean furnaces, chimneys or factories where fire is used;

22° Those who violate the prohibition to fire, in certain places, fireworks;

23° The authors of abusive noises, uproars or crowds or nocturnal disturbing the tranquility of the inhabitants;

24° Those who, when asked to buy or pawn objects which they know to be of suspicious origin, do not notify the police authorities without delay; 25° Locksmiths or any

other workers who, unless the act constitutes the offense provided for in article 515:

Sell or give to a person without being assured of its quality, hooks intended for burglary;

Manufacture for the person who is not the owner of the property or the object for which they are intended, or his known representative of the said worker, keys of any kind whatsoever, according to wax impressions or other molds or models;

Open locks without being sure of the quality of the one who requires them; 26°

Those who leave in the streets, paths, squares, public places or in the fields, tools, instruments or weapons that can be used by thieves and other criminals.

Offenses relating to roads and public hygiene 27° Those who

degrade or deteriorate, in any way whatsoever, public roads or usurp their width;

28° Those who, without being authorized to do so, remove grass, earth or stones from public roads or who, in places belonging to communities, remove earth or materials unless there is a general practice authorizing it ; 29° Those who, obliged to light a portion

of the public thoroughfare, neglect this lighting; 30° Those who, in contravention of the laws

and regulations, neglect to light up the materials stored by them or the excavations made by them, in the streets or squares; 31° Those who neglect or refuse to carry out the

regulations or decrees concerning the road system or to obey the summons emanating from the administrative authority, to repair or demolish the buildings threatening ruin;

32° Those who throw or deposit on the public highway rubbish, refuse, sweepings, gray water or other materials likely to cause harm by their fall, or to produce unhealthy or inconvenient fumes;

33° Those who neglect to clean the streets or passages, in the localities where this care is left to the responsibility of the inhabitants.

Contraventions relating to persons 34°

Those who imprudently throw rubbish on any person;

35° Those who make a profession of guessing and prognosing or explaining dreams;

Animal violations

36° Those who cause the death or injury of animals or livestock belonging to others:

Either by speed or misdirection or loading excessive use of carriages, horses, draft, load or mounted animals;

Either by the employment or use of a weapon without precaution or with awkwardness or by throwing stones or other hard

bodies; Either by dilapidation, degradation, lack of repair or maintenance of houses or buildings, or by clutter or excavation, or such other works in or near streets, roads, squares or public thoroughfares, without the precautions or signals ordered or customary; 37° Those who

publicly mistreat the domestic animals they own or whose custody has been entrusted to them or who mistreat them by excessive burden.

Property offenses

38° Those who pick and eat on the spot, fruits belonging to others;

39° Those who glean, rake or grapple in fields not yet entirely stripped or emptied of their crops; 40° Those who,

having picked up wandering or abandoned cattle or draft, load or mounted animals, have not made a declaration within three days to the local authority;

41° Those who lead, make or let pass the animals provided for in the preceding paragraph of which they had custody, either on the land of others prepared or sown and before the removal of the harvest, or in the seedlings or nurseries of fruit or other trees;

42° Those who, being neither owners, nor usufructuaries, nor tenants, nor farmers, nor enjoying land or a right of way or who, being neither agents nor servants of one of these persons , enter and pass over this land or part of this land, either when it is prepared or sown, or when it is loaded with grain or ripe or close to ripe fruit;

43° Those who throw stones or other hard bodies or rubbish against the houses, buildings or fences of others or in the gardens or enclosures; 44° Those who, without

authorization from the administration, have by any process whatsoever, made inscriptions, traced signs or designs on movable or immovable property in the domain of the State, local authorities, or on property located on this domain either in order to allow the execution of a public service, or because it is made available to the public; 45° Those who, without being owners, usufructuaries or tenants of a building, or

without being authorized to do so by one of these persons, have by any means whatsoever made inscriptions, traced signs or drawings;

46° Those who place or abandon in waterways or in sources, materials or other objects that may encumber them.

SECTION III PROVISIONS COMMON TO THE VARIOUS TICKETS

(Items 610 to 612)

Section 610

Are confiscated under the conditions provided for in Articles 44 and 89:

Means of payment intended to supplement or replace the legal tender monetary signs referred to in Article 609, paragraph 7;

The weights and measures referred to in Article 609, paragraph 9;

The tables, instruments, gaming or lottery machines, as well as the stakes, funds, foodstuffs, objects or prizes offered to players, referred to in Article 609, paragraph 10;

Items purchased or pledged under the conditions provided for in Article 609, paragraph 24, if their legitimate owner has not been discovered;

The keys and hooks referred to in article 609, paragraph 25;

The instruments, devices or costumes used or intended for the exercise of the profession of soothsayer or sorcerer referred to in article 609, paragraph 35.

Section 611

The offender who, in the twelve months preceding the contravention, had been the subject of a previous conviction which has become irrevocable for an identical offence, is in a state of recidivism by application of article 159 and must be punished as follows:

In the event of a recurrence of one of the contraventions provided for in article 608, the detention and the fine may be doubled;

In the event of recurrence of one of the contraventions provided for in article 609, the fine may be increased to 200 dirhams; detention for a maximum of six days can even be ordered²⁸².

Section 612

In matters of contravention, the granting of extenuating circumstances and their effects are determined by the provisions of Article 151.

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282 - 3th paragraph of article 611 amended by law no. 3-80 amending certain provisions of the aforementioned penal code.